

# JOURNAL

OF

The House of Representatives,

OF THE COMMONWEALTH OF

## KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-  
DAY THE SECOND DAY OF DECEMBER, 1816, AND OF  
THE COMMONWEALTH THE TWENTY-FIFTH.

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Frankfort, Ky.

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES.



AT A GENERAL ASSEMBLY, begun and held for the state of Kentucky, at the capitol, in the town of Frankfort, on Monday the second day of December, in the year of our Lord one thousand eight hundred and sixteen, and in the twenty-fifth year of the Commonwealth.

On which day (being that appointed by law for the meeting of the General Assembly,) the following members of the house of Representatives appeared, to-wit :

From the county of Adair, Nathan Gaither and John Stapp; from the county of Allen, Samuel Garrison; from the county of Boone, Jameson Hawkins; from the county of Butler, Benjamin Davis; from the county of Barren, Thomas B. Monroe and Joseph R. Underwood; from the county of Bath, Thomas D. Owings; from the county of Bullitt, John Hornbeck; from the county of Breckenridge, James Moorman; from the county of Bracken, James Armstrong; from the county of Bourbon, James Robinson, Benjamin Mills and John L. Hickman; from the county of Casey, William Goode; from the county of Campbell, Elijah Grant; from the county of Clarke, Isaac Cunningham and Wm. M'Millan; from the county of Christian, Benjamin H. Reeves, Nathan S. Dallam and Morgan Hopson; from the county of Cumberland, Granville Bowman; from the county of Clay, John H. Slaughter; from the county of Daviess, Benjamin Duncan; from the county of Estill, Stephen Trigg; from the county of Fayette, John Parker and James True, jr.; from the county of Floyd, Alexander Lackey; from the

county of Fleming, William P. Fleming and David Hart ; from the county of Franklin, John J. Marshall and Philip White ; from the county of Grayson, William Love ; from the county of Greenup, Francis H. Gaines ; from the county of Garrard, John Yantis and James Spillman ; from the county of Green, Liberty Green and Robert Barrett ; from the county of Gallatin, Samuel Todd ; from the county of Har- din, George Helm and Samuel Stephenson ; from the county of Harrison, Isaac Holman ; from the county of Henry, David White and William M. Rice ; from the counties of Henderson and Union, James M'Mahan ; from the county of Jefferson, James Hunter and Richard Barbour ; from the county of Jessamine, William Caldwell ; from the county of Knox, Hiram Jones ; from the county of Lincoln, Michael Davidson and Benjamin Duncan ; from the county of Logan, Urbin Ewing and John J. Crittenden ; from the county of Livingston, Dickson Given ; from the county of Lewis, Samuel Cox ; from the county of Mercer, Samuel M'Coun and James G. Birney ; from the county of Madison, Samuel South, Archibald Woods and David C. Irvine ; from the county of Mason, James Ward and James W. Coburn ; from the county of Montgomery, John Jamisen and Samuel T. Davenport ; from the county of Muhlenberg, Moses Wick- liffe ; from the county of Nelson, John Rowan, Henry Cot- ton and Richard Radd ; from the county of Nicholas, Thomas Metcalf ; from the county of Ohio, Moses Cummins ; from the county of Pulaski, Thomas Dollerhide and Robert Gilmore ; from the county of Pendleton, William Clark ; from the county of Rockcastle, William Carson ; from the county of Shelby, James Ford, John Logan and Benjamin Eggleston ; from the county of Woodford, Thomas Steven- son and William B. Blackburn ; from the county of War- ren, John W. Cooke and Cornelius Turner ; from the coun- ty of Wayne, James Jones ; from the county of Washington, Thomas G. Harrison, William Grundy and Paul I. Book- er :

Who, constituting a quorum, and having severally taken the oaths prescribed by the constitution and laws of this state, repaired to their seats.

Mr. John J. Crittenden was *unanimously* elected speaker of the house during the present session, and conducted to the chair, from whence he made acknowledgments for the honor conferred, and recommended the observance and preserva- tion of good order and decorum.

Mr. Robert S. Todd, was *unanimously* elected clerk. Mr. Richard Taylor, sergeant at arms, and Mr. Roger Devine, door-keeper.

*Ordered*, That a committee of propositions and grievances be appointed, and a committee was appointed, consisting of Messrs. Blackburn, M'Millan, Reeves, Yantis, Wall, Harrison, Fleming, Grundy, Monroe, Gaines, Green :

And such other members as may from time to time choose to attend ; who are to meet and adjourn from day to day, and take under consideration, all propositions and grievances, which may come legally before them : and all such matters as shall from time to time be referred to them : and report their proceedings, together with their opinion thereupon to the house ; and the said committee shall have power to send for persons, papers, and records for their information.

*Ordered*, That a committee of privileges and elections be appointed, and a committee was appointed, consisting of Messrs. Metcalf, Given, Marshall, Todd, Birney, Dallam, Bowman, Hunter, D. White, T. Stevenson, and Gaither; who are to meet and adjourn from day to day, and take under consideration, and examine all returns for members to serve in this house during the present session of the general assembly, and all questions concerning privileges and elections, and report their proceedings, with their opinion thereupon to the house. And the said committee shall have power to send for persons, papers, and records for their information.

*Ordered*, That a committee of claims be appointed, and a committee was appointed, consisting of Messrs. South, Owings, Cooke, Cunningham, Irvine, Woods, Barbour, Hickman, Hopson, Caldwell and Davidson :

Who are to meet and adjourn from day to day, and take under consideration all public claims, and such other matters as may from time to time be referred to them : and report their proceedings, together with their opinion thereupon to the house. And the said committee shall have power to send for persons, papers, and records for their information.

*Ordered*, That a committee for courts of justice be appointed, and a committee was appointed, consisting of Messrs. Rowan, Mills, Logan, Underwood, Breckenridge, Davenport, Booker, Cummins, Rudd, M'Hatten, and Coburn :

Who are to meet and adjourn from day to day, and take under consideration, all matters relating to courts of justice, and such other, as may from time to time be referred to them;



and report their proceedings, with their opinion thereupon, to the house : and the said committee is to inspect the Journal of the late session, and draw up a statement of the matters then depending and undetermined, and the progress that was made therein. Also, to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are near expiring ; and report the same to the house, with their opinion which of them ought to be revived and continued : and the said committee shall have power to send for persons, papers and records for their information.

*Ordered*, That a committee of Religion be appointed, and a committee was appointed, consisting of Messrs. Robertson, Parker, Ewing, Mercer, Dallerhide, M'Mahan, Hart, Cotton, Jamison, Turner and Garrison ;

Who are to meet and adjourn from day to day, and take under consideration, all matters and things relating to religion and morality, and such other matters as may from time to time, be referred to them ; reporting their proceedings, with their opinion thereupon, to the house ; and the said committee shall have power to send for persons, papers and records for their information.

Mr. James Stonestreet was *unanimously* elected clerk to the committees of propositions and grievances, and privileges and Elections : and

Mr. Jacob T. Swigart *unanimously* elected as clerk to the committees of *Claims, Religion, and for courts of justice.*

*Ordered*, That the clerk of this house be permitted to avail himself of the assistance of Mr. James Stonestreet, in the execution of his office, during the present session.

*Ordered*, That a message be sent to the senate, informing them, that this house having formed a quorum, and elected their officers, is now ready to proceed to legislative business ; and that Mr. Blackburn do carry the said message.

A message from the senate by Mr. Lee, their secretary :  
*Mr. Speaker,*

I am directed to inform this house, that the senate, having formed a quorum, is now ready to proceed to legislative business.

And then he withdrew.

Mr. M'Mullan read and laid on the table the following resolution :

*Resolved*, by the general assembly of the Commonwealth of Kentucky, That deeply deploring an event which

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deprived Kentucky of her beloved Chief Magistrate, and in testimony of the veneration in which the members of the senate and house of representatives cherish the memory of the virtues and services of *George Madison*, they will wear crape on the left arm during the present session.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read, and adopted unanimously.

Ordered, That Mr. M'Millan carry the said resolution to the senate and request their concurrence.

On motion,

Ordered, That Messrs. Blackburn, Rowan and Mills be appointed a committee, to draft rules for the government of this house during the present session, and make report thereof as soon as practicable.

A message from the senate by Mr. Lee, their secretary :

*Mr. Speaker,*

The senate have adopted the following resolution, to-wit :

" IN SENATE, December 2, 1816.

Resolved, By the senate and house of Representatives, That a joint committee of three from the senate, and six from the house of representatives, be appointed to inform his excellency the lieutenant governor, that the legislature is ready to receive any communication he may think proper to make.

*" Extract, &c.*

WILLIS A LEE, c. s."

And they have appointed a committee on their part, in which they request the concurrence of this house and an appointment on their part.

And then he withdrew.

The said resolution was then taken up, twice read, and concurred in : and Messrs. Ewing, Blackburn, South, Yantis, Rowan and Parker were appointed a committee conformably thereto.

Ordered, That Mr. Ewing inform the senate thereof.

The said committee then retired, and after some time returned, when Mr. Ewing reported that the joint committee had performed the duty assigned them, and were informed by his excellency, that he would by his secretary, make a communication in writing by way of message, to both branches of the legislature in their respective chambers, on to-morrow at 12 o'clock.

And then the house adjourned.

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TUESDAY, DECEMBER 3, 1816.

Mr. William K. Wall, a member returned to serve in this house from the county of Harrison; Mr. John Mercer, a member returned from the county of Caldwell; and Mr. Samuel Shepard, a member returned from the county of Scott, severally appeared, produced certificates of their election, and of their having taken the oaths prescribed by the constitution and laws of this Commonwealth, and took their seats.

Mr. Blackburn from the committee appointed to draft a set of rules for the government of this house during the present session, reported the following, to-wit:

### OF THE SPEAKER.

1. THE Speaker, with five members of the house shall be a sufficient number to adjourn; fifteen to call a house and send for absent members, and make an order for their censure or fine: and a majority to proceed to business.

2. The speaker shall take the chair every day at the hour to which the house shall have adjourned on the preceding day; he shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

3. He shall preserve decorum and order: may speak to points of order in preference to other members, rising from his chair for that purpose. He shall decide questions of order subject to an appeal to the house, on request of any two members.

4. He shall appoint committees, subject to addition by a motion of any member of the house.

5. He may state a question sitting, but shall rise to put a question.

6. Questions shall be distinctly put in this form; to-wit:—"All you who are of opinion that (as the question may be) say AYE. All you of a contrary opinion say NO."

7. If the speaker doubts, or a division be called for, the house shall divide—those in the affirmative of the question, shall first rise from their seats, and afterwards those in the negative.—If the speaker still doubt, or a counting be required, the speaker shall name two members, one from each side, to count those in the affirmative—whose number being reported, he shall then name two others; one from each side, to count those in the negative; whose number being also reported, he shall rise and state the decision to the house;

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Provided however, that such division or count shall not be allowed after the house shall have proceeded to other business.

8. The Speaker shall vote on all questions, and when the yeas and nays are desired, the speaker shall be first called, and if the house shall be equally divided the question shall be lost.

9. The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. When the house adjourns the members shall keep their seats until the speaker shall go forth, and then the members may follow.

### OF DEBATE.

10. When a member is about to speak in debate, or deliver any matter to the house, he shall rise, and respectfully address himself to Mr. Speaker.

11. If any member in speaking, or otherwise transgresses the rules of the house, the speaker shall, or any member may call to order, and the member called to order, shall immediately sit down, unless permitted to explain; and the house, if appealed to, shall decide on the case without debate: If the decision shall be in favor of the member called to order, he shall be at liberty to proceed; if against him, and the case require it, he shall be liable to the censure of the house.

12. When two or more members rise at once, the speaker shall name the person who is first to speak.

13. No member shall speak more than twice to the same question without leave of the house; nor more than once until every member in the house chusing to speak, has spoken.

14. Whilst the speaker is putting any question, or addressing the house, none shall walk across or out of the house; neither in such case, or when a member is speaking, shall any entertain private discourse, nor whilst a member is speaking shall pass between him and the chair.

15. No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

16. Every member who shall be in the house when a question is put, shall vote on one side or the other, unless the house, for special reasons, shall excuse him.

17. When a motion is made and seconded, it shall be stated



by the speaker—or, being in writing, it shall be handed to the chair, and read aloud by the clerk, before debated.

18. Every motion shall be reduced to writing if the speaker or any member desire it.

19. After a motion is stated by the speaker, or read by the clerk, it shall be deemed in the possession of the house; but may be withdrawn at any time before a decision or amendment.

20. When a question is under debate, no motion shall be received, unless to amend it, to commit it, to postpone it, for the previous question, or to adjourn.

21. A motion to adjourn, shall always be in order, and shall be decided without debate.

22. The previous question being moved and seconded, the question from the chair shall be "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.

23. On a previous question, no member shall speak more than once without leave.

24. Any member may call for a division of the question when the sense will admit of it.

25. A motion for amendment, until it is decided, shall preclude all other amendments of the main question.

26. Motions and reports may be committed at the pleasure of the house.

27. No new motion or proposition, which totally changes the subject, matter, on which the original motion or proposition was designed to operate, shall be admitted under colour of amendment as a substitute for the motion or proposition under debate.

28. Every motion to lay any bill, petition, memorial or resolution on the table until the end of session shall be out of order.

29. In all cases of elections, by the house there shall be a previous nomination.

30. If a question depending be lost by adjournment of the house, and revived on the succeeding day, no member who has spoken twice on the day preceeding, shall be permitted again to speak without leave.

31. Petitions, memorials, and other papers addressed to the house, may be presented by any member in his place, who shall state to the house the contents thereof; which may be received, read, and referred, on the same day, to the proper committee, if the house agree thereto.

32. Upon calls of the house for the yeas and nays, on any question, the names of the members shall be called alphabet-

ically,—which call may be made at any time when a division or count might be had.

33. On the call of the house, the doors shall not be shut against any member until his name shall be twice called, and then the absentee shall be noted down by the clerk, and fined one dollar.

34. No member shall name another member present, in debate.

### BILLS, &c.

35. Every bill shall be introduced by motion for leave, or by an order of the house on the report of a committee; and in either case, a committee to prepare the same shall be appointed; and every such motion may be committed.

36. Every bill previous to its passage, shall undergo three readings: one on each day for three days, and free discussion allowed thereon, unless in cases of urgency the house, by a concurrence of four fifths thereof, shall deem it expedient, and dispense with this rule.

37. The general question on the first reading shall be, "Shall the bill be read a second time?"

38. On the second reading of the bill, the speaker shall state it as ready for commitment or engrossment; and if committed, then a question shall be, "Whether to a select committee or a committee of the whole house?" And if to a committee of the whole, the house shall determine on what day. But if the bill be ordered to be engrossed, the house shall appoint a day when it shall be read a third time: and a bill may be re-committed at any time before its passage.

39. Bills shall be engrossed in a plain hand, and the style shall be, "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

40. When a bill passes it shall be certified by the clerk, who, at the foot thereof, shall note the day on which it passed.

41. No memorial or petition shall be received, praying for the division of a county, changing the place of holding any court, or any local matter, unless the purport of such petition or memorial, shall have been fixed at the door of the court house, or other place of holding courts of the county where such alteration is proposed, at two courts, and shall have remained there one day during the sitting of each court, one month at least, previous to offering the same. And that no petition or memorial shall be received, or bill brought in, for establishing ferries, or other matters affect

ing private right or property, unless the party or parties interested, shall have had one month's notice thereof, if known to the petitioner or petitioners; and if not known, the purport of such memorial, petition or bill, shall be set up at the court house, or other place of holding court, in the manner before directed; and also three times inserted in such public newspaper as the law directs, one month before offering or moving for the same.

42. Reports of committees before made, not being by bill or resolution, not decided on, may, in the order of the day, be called for before the bills.

43. The bills not finally acted upon, shall be taken up and read, beginning with the bill in the most forwardness, and pursuing the same order, till they shall all be gone through.

44. After the journals are read on each day, petitions shall be called for by the chair—next reports of the standing committees in the order they are appointed in the journals of the session, and lastly the reports of select committees shall be called for, except the committee of enrollments, who may report at any time during the session of the house, when not excluded by some privileged motion.

### OF COMMITTEES OF THE WHOLE.

45. It shall be the standing order of the day throughout the session, for the house to resolve itself into a committee of the whole house on the state of the commonwealth; and in forming a committee of the whole house, the speaker shall leave his chair; and a chairman to preside in committee, shall be appointed.

46. Upon a bill being committed to a committee of the whole house, the same shall be first read throughout, by the clerk, and then again read and debated by clauses; leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amendment by clauses, before a question for engrossing it be taken.

47. All amendments made to an original motion, in committee, shall be incorporated with the motion and so reported.

48. All questions, whether in committee or in the house, shall be disposed of in the order in which they were moved; except that in filling up the blanks the largest sum, and the most remote day, shall be first put.

49. The rules of proceeding in the house shall be observed in committee, so far as they may be applicable; except that of limiting the times of speaking.

50. A majority of any committee shall be a sufficient number to proceed to business.

51. All fines on absent members shall be collected by, and appropriated to the use of the sergeant at arms.

52. Ten o'clock shall be the standing order of adjournment.

### JOINT RULES OF BOTH HOUSES.

1. WHILE bills are on their passage between the two houses, they shall be on paper, and under the signature of the clerk of each house, respectively.

2. After a bill shall have passed both houses, it shall be duly enrolled on paper (until parchment can be had) by the clerk of the house where the bill shall have originated, before it shall be presented to the governor.

3. When bills are enrolled, they shall be examined by a joint committee of three from the senate, and six from the house of representatives, appointed as a standing committee for that purpose; one of whom on the part of the senate, and two of the house of representatives, shall be sufficient to examine and compare the enrolled with the engrossed bills, as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

4. After examination and report, each bill shall be signed in the respective houses; first by the speaker of the house of representatives and then by the speaker of the senate.

5. After a bill shall have been thus signed in each house, it shall be presented by the said committee to the governor, for his approbation; it being first endorsed on the back of the bill, certifying in which house the same originated. Which endorsement shall be signed by the clerk of the house in which the same did originate; and shall be entered on the journal of each house. The said committee shall report the day of presentation to the governor; which time shall be also carefully entered on the journal of each house.

6. All orders and resolutions which are to be presented to the governor for his approbation, shall also be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same committee, as is provided in case of bills.

7. Every order, resolution or vote, for which the concurrence of the senate shall be necessary, shall be read to the house, and laid on the table on a day preceding that in which the same shall be moved, unless the house shall otherwise expressly allow.



8. When any papers may come officially before either branch of the legislature, or any communications from the governor, and are proper to be acted upon by both houses, the house before which such papers are laid, or to which such communications are made, shall, as soon as they have proceeded and acted on the same, lay them before the other house.

9. The door-keeper of the house, shall ring the bell every day at ten o'clock, unless otherwise directed by either house.

Which being read, were adopted as the rules of this house during the present session.

*Ordered*, That the public printers forthwith strike one hundred and thirty copies thereof, for the use of the members of this house.

*On motion*,

*Ordered*, That Mr. Amos Kendall be permitted to take a seat within the house, for the purpose of taking a sketch of the proceedings and debates of this house during the present session.

A message from the lieutenant governor by Mr. Pope, his secretary :

*Mr. Speaker*,

I am directed by the lieutenant governor to lay before this house a message in writing. And then he withdrew.

The said message was then taken up and read as follows, to-wit :

*Fellow Citizens of the Senate,*

*And of the House of Representatives,*

I MEET you under circumstances truly distressing to the state, and painful to every lover of good men. Our late Governor, George Madison, first in the confidence and affections of the people, is no more. He was a true patriot ; a brave and generous soldier, and blessed with every noble and amiable quality which can adorn the human character. In his death the state has sustained an irreparable loss, which, in common with my fellow-citizens, I sincerely lament. Conscious that I am unequal to the high and important duties of Chief Magistrate of this commonwealth, I would most cheerfully have declined the post which the constitution has assigned me, had this deplorable visitation of Providence and the partiality of my countrymen left me this alternative : But duty commanded me to meet the responsibility thus devolved ; from which, relying for support on a kind Providence, I could not, I will not shrink. Ardently devoted from my youth to the great and essential principles of liberty, as recognized and established

by the tenth article of the constitution of this state, in which, among others, it is declared, that all free men when they form a social compact, are equal; and that no man or set of men are entitled to exclusive, separate, public emoluments or privileges from the community, but in consideration of public services; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; my best exertions through life shall be made to perpetuate this best of governments to the latest posterity. It will be to me a consolation, in my closing scene, to believe that my labors have contributed in any, the smallest degree to give strength and duration to this fair fabric of American freedom. It is not my design to discuss at large the merits of our constitution, but the great principles of equal rights and equal justice upon which it is founded, cannot be too often repeated and impressed upon the public mind. However melancholy the event which placed me in the executive chair, I hope to be pardoned for availing myself of this opportunity of returning to my constituents, through you, my sincere thanks for their good opinion and respect manifested for me at the late election.

Deeply impressed with a sense of the importance of the trust, I should despair but for the support I confidently expect from you, with many of whom I have so often mingled feelings and sentiments on the legislative floor. I commence my executive duties fully persuaded that I shall frequently err from want of information and defect of judgment; and that my conduct, when correct, will be often censured from prejudice and mistake. To you, however, and my constituents who have given me so many proofs of their confidence and affection, I pledge myself fairly and faithfully to administer the government according to the republican spirit and principles of our free constitution. I will do every thing in my power to satisfy those who have bestowed on me their suffrages; by a fair and just course to reconcile others, and to advance the freedom and happiness of all. I will discourage party spirit, which so often generates dangerous and corrupt factions, destroys social happiness, distracts the public councils, and deprives the people of the advantages of the united efforts of the wise and good to promote the public welfare. Party spirit, although sometimes unavoidable, is at all times unpleasant, and often mischievous. Parties too often lose sight of the causes and principles which gave them birth; organize factions, who frequently substitute their will for the will of the people, and by an artful and active course contrive to give

tone to public opinion and public affairs. From long observation and experience, I have been led to conclude that true and practical republicanism under our government, consists in an honest and faithful discharge of duty according to the spirit and principles of the constitution; and that although factions may unhappily divide and distress a country, a chief magistrate ought to pursue the union of his fellow-citizens, and the good of the state independently of all parties. Believing that under a government based on the moral feelings and moral power of the people, a just and impartial administration will insure the best and most firm support, I must rest my claim to public approbation, on the integrity of my course, and the good sense and justice of my fellow-citizens. Animated by these views, I do, in the sincerity of my heart, invite a cordial and united effort for the good of our common country.

The late period at which I came into office, must be my apology for omitting to bring to your notice many subjects proper for your consideration: Such omission will be readily supplied by the superior wisdom of the legislature. I will proceed, however, to mention some of these measures which have occurred to me as worthy your attention. When I commenced my official duties, there were on hand twelve hundred muskets with accoutrements, &c. part of which, pursuant to the authority vested in me by law, I have delivered to several independent companies; taking bond and security for their preservation and return; limiting the number to fifty for each company. Whether the law which confines the distribution to the independent companies should not be changed so as to furnish all, without distinction, I submit to your better judgment. It is truly gratifying to witness the military pride which pervades the militia of Kentucky; and whether we ought to rely entirely upon the supply of arms expected from the general government, or provide an additional quantity by purchase or otherwise, you will determine. I feel bound, however, to state my decided opinion in favor of having the militia well armed. Arms produce discipline; inspire a spirit of manly independence; give the people confidence in their strength, and prepare them for resistance to oppression. Many look to the military peace establishment of the United States as a school for discipline; but it is believed a small army divided and dispersed along our extensive frontier cannot furnish such a field for the acquisition of military knowledge as ought to relax our attention to the militia, justly styled the bulwark of every free state. This view is

strengthened by the notoriety of the fact, that the familiar and dexterous use of arms among our citizens, was severely felt by the British forces during the late war. It will be proper to make our militia law conformable to the act of Congress passed at the last session, providing for the appointment of one Colonel, one Lieutenant Colonel, and one Major to each regiment, instead of a Lieutenant Colonel and two Majors. Of the necessity of other changes in our militia system, you are, from your own observation and experience, better able to determine.

I presume you will agree with me that nothing in this government, whose firmest rock is public sentiment, is more worthy of your attention than the promotion of education, not only by endowing colleges or universities upon a liberal plan, but by diffusing through the country seminaries and schools for the education of all classes of the community; making them free to all poor children, and the children of poor persons. At an early period there was granted to each county in the state six thousand acres of land for the establishment and support of schools; this has been productive of some good, but the fund has proved inadequate to meet the enlightened and liberal views of the legislature. It is essentially necessary that schools should be more diffused to suit the convenience of the people. It is believed there are funds within our reach, which in a few years would enable us to establish through the state a system of education which would be attended with incalculable advantages. Knowledge and virtue are every where the surest basis of public happiness; the strongest barriers against oppression; a powerful check to mal-administration, by rendering it necessary for those in power to secure not the blind, but the enlightened confidence of the people. Every child born in the state should be considered a child of the republic, and educated at the public expense, where the parents are unable to do it. Such a system will not only improve the minds and morals of our youth; and thereby render our free institutions more durable; but by thus diffusing the benefits of government throughout the body politic, it will be strengthened in the affections of the people. They will be bound to it by new ties; and more permanency, as well as a more settled character will be given to our population. To effectuate objects so valuable and desirable, I recommend an enquiry into the titles of lands stricken off to the state and forfeited; a revision of the law of escheat, and for the appointment of escheators, and that such lands with a tax on banks and such corporations, as from their nature are



proper subjects of taxation, and such part of the dividends on the bank stock of the state, as can be spared without materially increasing the public burdens, may be appropriated for the purpose of establishing an extensive and convenient system of education. I have gone into the subject of arming our militia and educating our youth, from a conviction that a people who understand their rights and have arms to defend them cannot be enslaved.

The state of our judiciary must ever be a subject of primary importance, and regarded with deep interest by every citizen. Upon the judiciary, every man essentially depends for the preservation and enjoyment of his life, liberty, property and reputation. It is among the first and highest obligations of government to have the laws faithfully executed, and justly and impartially administered to the people, without unreasonable expence or delay. To secure these blessings, is the leading motive of mankind, to submit to the restraints and burdens of civil government. Such general and special provisions as are best calculated to remedy the defects and inconveniences in the administration of justice, demand the prompt and efficient attention of the legislature. I had strong doubts of the expediency of the change in our circuit court system, made at the last session; nor have those doubts been removed; but as it has received the sanction of a majority of the representatives of the people, it would seem to me proper to give the system a fair experiment. Frequent changes are unsafe, and generally injurious to the public.— A considerable degree of stability in the institutions and course of a government, is necessary to secure confidence and respect. Instead, therefore, of making any material alteration, I would recommend the adoption of such amendments and regulations as will best remedy its defects.

In proportion as this republican government is precious to every man who loves his neighbor and delights in the freedom and happiness of his fellow beings, should be his vigilance to check all practices calculated to destroy its purity or change its character. To furnish the strongest motives to men, to deserve well of their country, and to make public office and station the reward of qualifications and integrity, would seem to me congenial with the spirit and character of such a government. A practice therefore, which tends to place merit without wealth in the shade, and to enable the rich to monopolize the offices of government, has at least an aristocratic tendency, and demands severe reprehension. I therefore, recommend to the legislature a revision of the laws

against selling officers, and the enactment of such provisions and penalties as are best calculated to suppress the mischief which seems of late to be increasing.

The Penitentiary demands some notice. It is necessary to repair and enlarge the building, and the nature and variety of the duties are such, that the keeper cannot give to the whole the requisite attention. Besides the consideration that the business is too arduous for one man to superintend, a change in the management of its concerns, seems to me necessary and proper to secure that accountability which ought to characterize every branch of our political economy. It appears to me proper to make it the duty of the keeper to purchase the raw materials, and deliver over the articles manufactured to an agent to be employed by the government to receive, sell and account for them. These suggestions do not proceed from a distrust of the fidelity or diligence of the keeper. He is, I believe, faithful and well qualified for the office.

The removal of obstructions in our smaller navigable streams, and a co-operation with our sister states bordering on the Ohio, for the improvement of the navigation of that river are subjects proper for your consideration. I have, I confess, brought them into view, without having matured any plan to lay before you, and therefore rely on your better judgment and information to devise the means best adapted to the objects.

Pursuant to the authority vested in me by the third section of the first article of the constitution of the United States, I have filled the vacancy occasioned by the resignation of our late senator, the hon. William T. Barry, by the appointment of Martin D. Hardin, Esq. after receiving from that gentleman an assurance that if appointed, he would proceed immediately to the seat of the general government. The necessity of having this state fully represented in the senate of the union, until this vacancy could be filled by your appointment imposed upon me the duty of exercising this power. Having, I trust, performed my duty in this respect, the power and duty of making a choice is now by the constitution devolved upon the legislature.

I cannot close this communication without congratulating you and our constituents upon the health, happiness and plenty for which our state is distinguished. No people have more reason than ourselves to acknowledge with pious gratitude their dependence on a supreme ruler of nations. Our history furnishes throughout the most signal and almost miraculous proofs of a providential agency in our affairs. God in

the abundance of his goodness, has watched over and preserved us in all the trials through which we have passed.— Instead of suffering us to become the slaves of a tyrant, he has re-established in our land, man's dominion over himself, and every assemblage of the representatives of the people furnishes another demonstration, that this great republican experiment will be successful. In him then let us put our trust, the only true and legitimate sovereign whom man should worship and adore; with sincere and grateful hearts, let us supplicate a continuation of his blessings; and with a firm reliance on him, I am ready to proceed with you to perform the task assigned us by our constituents.

GABRIEL SLAUGHTER.

*Ordered*, That the public printers forthwith strike five hundred copies thereof, for the use of the members of this house.

A message from the senate by Mr. Ewing:

*Mr. Speaker,*

The senate *unanimously* concur in a resolution from this house "to wear crape as a testimony of respect to the memory of the late governor, George Madison."

I am also directed to inform this house, that the senate have appropriated two seats to the left of the Lobby door, for the accommodation of the members of this house and the officers of government, whenever they may choose to attend the debates of that house. And then he withdrew.

On motion of Mr. Blackburn,

*Ordered*, That the two back seats on each side of the lobby door, be appropriated to the use of the senate, and the officers of government, whenever they may choose to attend the debates of this house: and that Mr. Blackburn inform the senate thereof.

And the house adjourned.

WEDNESDAY, DECEMBER 4, 1816.

The speaker laid before the house a letter from Matthew Lyon, Esq. tendering his services as a senator to represent this state in the congress of the United States, at the ensuing election.

And also a letter from Joseph H. Hawkins, Esq. declining a nomination for that office:

Which were received, read and ordered to be laid on the table.

The petition of sundry citizens of the town of Winchester, in

the county of Clark, praying that a law may pass, to incorporate a company in said town, under the style of the Winchester Steam Mill Company, authorizing said company to erect a steam mill in said town or its vicinity under suitable regulations.

And the petition of sundry citizens of Christian county, praying a reduction of the salary now allowed by law to the circuit judges of this Commonwealth: and also praying some legislative provision, by which a more extensive circulation of the journals of both houses of the legislature may be had among the citizens of this state:

Were severally received, read, and referred: The former to a select committee of Messrs. M'Millan, Mills and Cunningham; giving said committee leave to report thereon, by bill or otherwise; and the latter to the committee for courts of justice.

Mr. Blackburn moved for leave to bring in "a bill to repeal the act against usury;" and the question being taken on giving leave to bring in said bill, it passed in the negative.

The yeas and nays being required by Messrs. Blackburn and Given, were as follows, to-wit:

Yeas—Messrs. Armstrong, Birney, Blackburn, Booker, Bowman, Caldwell, Carson, Clarke, Cotton, Cox, Cunningham, Davenport, Davidson, Gilmore, Goode, Grant, Hawkins, Helm, Holman, H. Jones, Monroe, Parker, Reeves, Rice, Rudd, Shepard, Spillman, Stapp, T. Stevenson, Turner, Underwood, Ward and Yantis—33.

Nays—Mr. Speaker, Messrs. Barbour, Barrett, Coburn, Cooke, Cummins, Dallam, Davis, Dollerhide, Duncan, of Daviess, Duncan, of Lincoln, Eggleston, Fleming, Ford, Gaines, Gaither, Garrison, Given, Green, Grandy, Hart, Hickman, Hopson, Hornbeck, Hunter, Jamison, J. Jones, Irvine, Lackey, Marshall, Metcalfe, Mills, Moorman, M'Cown, M'Mahan, M'Millan, Robertson, Rowan, Slaughter, South, S. Stevenson, Todd, True, Wail, P. White, D. White, Wickliffe and Woods—48.

*Ordered*, That messrs. Coburn, Wall, Fleming, Birney, Underwood and D. White be appointed a committee of enrollments on the part of this house; that Mr. Coburn inform the senate thereof, and request a similar appointment on their part.

The Speaker laid before the house a letter from James M. Johnston of Christian county, containing sundry charges



against John Pursley, a justice of the peace of said county for malfeasance in office; which was received and read :

*Ordered*, That the said letter and the notice accompanying the same, be referred to a select committee of messrs. Blackburn, South, Dallam, Hopson, Reeves and Ewing, and that the said committee be invested with power to send for persons, papers and records for their information.

Mr. Blackburn read and laid on the table the following resolution, viz :

*Resolved*, by the general assembly of the Commonwealth of Kentucky, That they will on \_\_\_\_\_ next, by a joint vote of both branches of the legislature proceed to the election of a senator to represent this state in the senate of the United States, to fill the vacancy occasioned by the resignation of the honorable William T. Barry.

And thereupon the rule of the house being dispensed with for that purpose, the said resolution was taken up, twice read, and amended by filling up the blank therein with the word "Tuesday" and adopted.

*Ordered*, That mr. Blackburn carry the said resolution to the senate, and request their concurrence.

The petition of John M'Comb, of Barren county, representing that he is entitled to two hundred acres of head right land in said county by purchase, on which a part of the state price has been paid, and his inability from misfortune and poverty to pay the balance ; and praying a remittance of the balance of the state price due, and the emanation of a grant to him for said land.

The petition of Spencer Curd, guardian to the infant heirs of Nathaniel Drake, deceased, devisee of of Samuel Drake, representing that the said Samuel by his last will and testament duly proved and recorded in the county of Fayette, devised certain property to said Nathaniel now lying in Jessamine county ; that the original will has been consumed by fire with the records and papers of the county court of Fayette, but that a copy of said will has been preserved, and praying that a law may pass authorising the same to be admitted to record in the Jessamine county court.

And the petition of Hannah Gorham, of Bourbon county, representing that at the last August circuit court, held for said county, on the trial of Joseph Fugate and John Bazil for murder, she furnished the venire men who sat on said case with provision, &c. at the request of the sheriff, but that the auditor refuses to allow her account (although certified by the circuit court) under a belief that the existing laws will not justify it, and praying legislative provision for her case :

Were severally received, read and referred: the first to a select committee of messrs. Monroe, Underwood, Cooke and Woods; the second to a select committee of messrs. Ewing, Caldwell, Underwood and Marshall, giving said committees leave to report by bill or otherwise; and the third to the committee of claims.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have adopted the following resolutions, to-wit:

"IN SENATE, December 4, 1816.

*Resolved*, by the general assembly of the Commonwealth of Kentucky, That a joint committee of four from the senate, and ten from the house of representatives be appointed to examine and report the state of the auditor's office; that two from the senate, and six from the house of representatives be appointed to examine and report the state of the treasurer's office; that three from the senate and nine from the house of representatives be appointed to examine the register's office, and report the state of the same; And that three from the senate, and six from the house of representatives be appointed to examine and report the state of the penitentiary house, and the books and accounts thereof.

*Extract, &c.*

WILLIS A LEE, C. S.

IN SENATE, December 4, 1816.

*Resolved*, by the general assembly of the Commonwealth of Kentucky, That they will by a joint vote of both houses on Thursday the fifth instant, proceed to the election of a senator of the United States to fill the vacancy occasioned by the resignation of the honorable William T. Barry.

*Extract, &c.*

WILLIS A. LEE, C. S.

IN SENATE, December 4, 1816.

*Resolved*, by the senate and house of representatives of the commonwealth of Kentucky, That a committee of five from the senate, and ten from the house of representatives be appointed to enquire and examine into the state of the bank of Kentucky pursuant to the charter of said bank, and make report.

*Extract, &c.*

WILLIS A. LEE, C. S.

In which resolutions, they request the concurrence of this house.

And then he withdrew.

The said resolutions were then severally taken up, twice read, the first and second concurred in, and the third ordered

to be laid on the table. Messrs. Yantis, Ewing, Barrell, Carson, Clarke, Cox, Cummins, Cunningham, Dallam and Davis, were then appointed by mr. speaker, agreeable to the first resolution a committee on the part of this house to examine into & report upon the state of the auditor's office; messrs. Fleming, Irvine, Ford, Gaines, Benjamin Duncan, (of Lincoln) and Gaither, a committee to examine and report upon the state of the treasurers's office; messrs. M'Millan, Barbour, Green, Gilmore, Hart, Hawkins, Helm, Hickman, and Gaines, a committee to examine and report upon the state of the register's office: and messrs. Rudd, Given, Eggleston Marshall, M'Conn and Shepard, were appointed a committee, to examine into, and report upon the state of the Penitentiary house, and the books and accounts thereof.

*Ordered*, That mr. Mills inform the senate thereof.

Leave was given to bring in the following bills:

On the motion of mr. Reeves—1st. A bill to amend the law establishing inspections in this Commonwealth. On the motion of mr. M'Millan—2d. A bill to amend the penal laws of this Commonwealth. On the motion of mr. Harrison—3d. A bill to amend the law imposing a tax upon the wholesale and retail stores within this Commonwealth. On the motion of mr. Ewing—4th A bill further to regulate the payment of the debt due the Commonwealth for the sale of vacant lands. On the motion of mr. Holman—5th A bill to alter the mode of summoning jurors. On the motion of mr. Mills—6th A bill concerning clerks of courts in this Commonwealth. On the motion of mr. Reeves—7th A bill to amend the militia laws of this Commonwealth; and on the motion of mr. Underwood—8th A bill to authorize the register of the land office to receive and register certified copies of plats and certificates of survey in certain cases.

Messrs. Reeves, Dallam, Todd and Hopson were appointed a committee to prepare and bring in the first; messrs. M'Millan, Rowan and Cunningham the second; messrs. Harrison, Booker, Grundy and Rowan the third; messrs. Ewing, Underwood, Rowan, Monroe, Dallam, Given, Reeves and Marshall the fourth; messrs. Holman, Blackburn, Cotton, Mills, Wall and Rowan the fifth; messrs. Mills, Yantis, Todd, Blackburn, D. White and Fleming the sixth; messrs. Reeves, Given, Dallam, Holman, Stapp, Mills and South the seventh; and messrs. Underwood, Monroe, Dallam and Ewing the eighth.

Mr. Davenport moved the following resolution, to-wit:

*Resolved*, That so much of the governor's message as re-

lates to arming the militia of this Commonwealth, be referred to a select committee, with leave to report by bill or otherwise :

Which being twice read, was adopted : and messrs. Davenport, T. Stevenson, South, M'Millan, Fleming, Reeves & Mooman, were appointed a committee conformable thereto : And then the house adjourned.

#### THURSDAY, DECEMBER 5, 1816.

The petition of Sarah Burriss, of Hardin county, representing that her late husband, Joseph Burriss, departed this life in the service of the United States, leaving her with a numerous family of small children in indigent circumstances ; that she is settled on 150 acres of vacant land in said county ; and praying legislative permission to locate and carry the same into grant, without paying the state price.

The petition of Thomas Simpson, Joshua Jones, James Jones, James Rapier and Roger Oates, of Wayne county, representing that Thomas Simpson obtained from the county court of said county a certificate for 170 acres of land, which has been surveyed and carried into grant, but upon a re-survey the original survey has been discovered to be incorrect ; and praying that the certificate of re-survey may be received and registered by the Register of the land office ; and that a grant may issue thereon.

The petition of sundry citizens of Warren county, praying that a part of said county may be stricken off and added to the county of Barren.

The petition of sundry citizens of Christian county, praying that the legislature of this commonwealth would draw the attention of the Congress of the United States to the subject of a change in their policy in relation to the disposal of the public lands ; and recommending small donations thereof to actual settlers for a fixed rent.

The petition of sundry citizens of the counties of Bourbon and Nicholas, praying that some provision may be made for the maintenance and support of the wives and children of those persons who may hereafter join that sect of people called *Shakers* ; and recommending to the legislature the adoption of certain measures to attain that end :

And the petition of Sally W. Boler, in addition to those presented by her at former sessions of the legislature, praying that the legislature may make some amendment to the law already passed on the same subject ; and praying that a law



may pass authorizing the registry of a platt and certificate of survey, and the emanation of a grant for a tract of land given her by her husband previous to his joining the shakers, and an indulgence for the state price thereof:

Were severally received, read and refered: The first to a select committee of messrs. Helm, Logan, South and S. Stephenson; the second to a select committee of messrs. J. Jones, Robertson and Todd, giving each of said committees leave to report by bill or otherwise; the third and fourth to the committee of propositions and grievances; and the fifth and sixth to the committee of Religion.

Mr. Metcalfe from the committee of privileges and elections made the following report, to-wit:

The committee of privileges and elections have according to order had under consideration the returns from the sheriffs of the several counties within this commonwealth, and having examined the same, REPORT: It appears to this committee, that no person was returned as duly elected to serve as a member of the house of representatives, for the present general assembly, from the county of Hopkins—

*Therefore, Resolved,* That a writ of election issue to the said county of Hopkins, for the purpose of choosing a representative to serve in the present general assembly. And that the said election be held on Monday the 16th inst.

Which being twice read, was concurred in.

Mr. Rowan from the committee for courts of justice, reported the following bills as unfinished business of the last session, viz. 1st, A bill regulating appeals from the judgment of a justice of the peace in this commonwealth—2d, a bill to explain and amend the several acts concerning the trial of slaves—3d, a bill to amend an act entitled “an act further regulating the Penitentiary;—4th, a bill providing a mode of trial against justices of the peace for malfeasance or misfeasance in office—5th, a bill to amend the several acts authorizing the change of venue in civil cases—6th, a bill for the benefit of the orphans of those who fell in the late war—7th, a bill to provide for the safe keeping of the public arms of this state—8th, a bill to amend the act providing a summary mode of collecting debts—9th, a bill providing for proceedings against absent debtors cognizable before a justice of the peace—10th, a bill to prevent the fraudulent practice of surveying or patenting land manifestly off and at a distance from entries or locations originally made, unless legally removed as the law on that subject directs—11th, a bill to prevent redemption of Land, so as to give title against certain claims—

12th, a bill further to regulate the general court—13th, a bill to amend the act establishing the state bank—and 14th, a bill to prevent the practice of gaming.

Which bills were received and ordered to be laid on the table.

Mr. South nominated Messrs. Martin D. Hardin, Samuel H. Woodson, and Norborne B. Beall, as proper persons to fill the office of Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. Wm. T. Barry; and Mr. Given nominated Mr. Matthew Lyon.

*Ordered*, That Mr. South inform the senate of the said nominations, and that this house is now ready to proceed by a joint vote with that, to the said election.

A message from the senate by Mr. James Garrard:

*Mr. Speaker,*

I am directed to inform this house, that the senate is now ready to proceed by a joint vote with this house, to the election of a senator to represent this state in the congress of the United States, to fill the vacancy occasioned by the resignation of the honorable William T. Barry, and that the same persons stand on the nomination for that office, before the senate as those reported from this house.

And then he withdrew.

The house then proceeded to the said election, and upon taking the votes they stood thus:

For mr. Hardin—Messrs. Barrett, Birney, Booker, Bowman, Carson, Cotton, Cox, Cummins, Davidson, Davis, Dollerhide, B. Duncan, (of Lincoln) Eggleston, Ewing, Fleming, Ford, Gaither, Gilmore, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hopson, Holman, Hornbeck, J. Jones, H. Jones, Irvine, Logan, Love, Marshall, Mercer, Monroe, Owings, Reeves, Rice, Robertson, Rowan, Shepard, Slaughter, South, S. Stephenson, Stapp, Todd, Turner, Underwood, D. White, Wickliffe, Woods and Yantis.—53.

For mr. Woodson—Messrs. Armstrong, Blackburn, Caldwell, Clarke, Coburn, Cunningham, Dallam, Davenport, Gaines, Garrison, Grant, Hickman, Jamison, Lackey, Metcalfe, Mills, M'Coun, M'Millan, Parker, Spillman, T. Stevenson, Trigg, True, Wall, Ward and P. White.—26.

For mr. Beall—Mr. Speaker, messrs. Barbour, Cooke, B. Duncan, (of Daviess) Given, Hunter, Moorman and Rudd.—8.

For. mr. Lyon—None.

Messrs. Rowan, Yantis and South were then appointed to

meet a committee from the senate, compare the votes, and report in whose favour a majority should appear.

The said committee then retired, and after a short time returned, when mr. Rowan reported that the joint vote stood thus :

|                  |     |
|------------------|-----|
| For mr. Hardin,  | 74. |
| For mr. Woodson, | 31. |
| For mr. Beall,   | 12. |
| For mr. Lyon,    | 2.  |

A majority of both houses appearing in favor of Martin D. Hardin, Esq. he was thereupon declared to be duly elected to represent this state in the congress of the United States, to fill the vacancy occasioned by the resignation of the honorable William T. Barry.

And then the house adjourned.

#### FRIDAY, DECEMBER 6, 1816.

Mr. Joseph C. Breckenridge, a member returned to serve in this house from the county of Fayette, appeared, produced a certificate of his election, and of his having taken the oaths required by the constitution and laws of this commonwealth, and took his seat.

The petition of the widow and heirs of Joseph Laswell, deceased, representing that Joseph Laswell purchased three tracts of land from Jacob Myers, two of which have been carried into grant in the name of said Laswell, but no grant can be found to have issued on the survey executed for the third tract of land; the plat and certificate of which survey, is presumed to be lost, and praying that a law may pass authorising the register of the land office to receive and register a copy of the said plat and certificate, and to issue a patent thereon.

The petition of sundry citizens of Hardin county, praying that the law declaring Nolin creek in said county, a navigable stream; and the acts in relation to the navigation of the said stream, may be repealed; and that legislative permission may be given to build mills thereon.

The petition of sundry citizens of Bourbon county, praying that a part of said county, may be stricken off, and added to the county of Nicholas.

The petition of sundry citizens of the county of Allen, exhibiting charges against Walter Thomas and William Collins, Esq's. justices of the peace of said county, for malfeasance in office, and praying their removal from office therefor.

The petition of Hugh Henderson, representing that he purchased a platt and certificate of a survey for a tract of land from Hezekiah Ashmore assignee, &c. obtained regular assignments thereon, and sent the same to the register's office in order to obtain a patent thereon, but that the same has been lost or mislaid by the bearer, and praying that the register may be authorized to receive and register a copy thereof, and issue a grant thereon.

The Petition of Esther Smiley, of Cumberland county, representing that her husband Daniel Smiley, is now, and has been for a considerable time past in a state of insanity; that he is entitled to several tracts of head right land, the state price of which still remains unpaid; and praying that a law may pass authorizing her to sell a tract of four hundred acres of land to pay up the state price, due on said lands, and pay the debts due by her said husband.

The petition of sundry citizens of Adair county, praying that a law may pass authorizing Rudolph Neet, of said county, to build a dam across Green river for the purpose of erecting a water grist mill; and

The petition of a committee of the county court of Fayette, praying that a law may pass, authorizing the county court of said county to levy a tax on the inhabitants thereof, for the purpose of aiding the contributors of the Fayette hospital to complete their buildings, &c. :

Were severally received, read, and referred; the first to a select committee of messrs. Duncan, M'Millan and Davidson; giving said committee leave to report thereon by bill or otherwise; the second and third, to the committee of propositions and grievances; the fourth, to a select committee of messrs. Blackburn, Garrison, Todd, Cooke, Turner and Trigg, giving said committee power to send for persons, papers and records for their information; the fifth, to a select committee of messrs. Ewing, Dallam and Reeves; the sixth to a select committee of messrs. Bowman, Green and Underwood; the seventh, to a select committee of messrs. Gaither, Green and Goode; and the eighth, to a select committee of messrs. Breckenridge, Parker, True and Mills, giving said committees leave to report by bill or otherwise.

Mr. Helm moved for leave to bring in a bill to amend an act entitled an act concerning occupying claimants of land, passed January 31, 1812 :

And the question being taken on giving leave to bring in said bill, it passed in the affirmative.



The yeas and nays being required thereon by messrs. Helm and South, were as follows, viz :

Yeas—Mr. Speaker, messrs. Barrett, Birney, Blackburn, Bowman, Breckenridge, Caldwell, Clarke, Coburn, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan, (of Lincoln) Fleming, Gaines, Gaither, Gilmore, Grant, Green, Hart, Helm, Hickman, Holman, Jamison, Lackey, Marshall, Mercer, Metcalfe, Monroe, M. Millan, Owings, Parker, Reeves, Rowan, Rudd, Shepard, Slaughter, Spillman, S. Stephenson, Stapp, T. Stephenson, Trigg, Underwood, Wall and Yantis.—51.

Nays—Messrs. Armstrong, Barbour, Booker, Carson, Cooke, Cotton, Eggleston, Ewing, Ford, Goode, Grundy, Harrison, Hawkins, Hopson, Hornbeck, Hunter, J. Jones, Logan, Love, Mills, Moorman, M'Coun, Rice, Robertson, South, Todd, True, Turner, Ward, D. White, Wickliffe and Woods.—32.

*Ordered*, That messrs. Helm, Fleming, Rowan and Rudd, be appointed a committee to prepare and bring in the said bill.

The house took up a resolution from the senate to appoint a joint committee to examine the bank, which being again twice read, was concurred in ; and messrs. Parker, Robertson, Birney, Hopson, Owings, Breckenridge, Barrett, D. White, Davenport and Armstrong, appointed a committee on the part of this house.

*Ordered*, That mr. Rowan inform the senate thereof.

Mr. Grundy asked for leave to bring in "a bill to coerce the banks and insurance company of Kentucky, to pay out specie for their bills when presented for payment."

*Ordered*, That the title presented on said motion be committed to a committee of the whole house on the state of the Commonwealth.

Leave was given to bring in the following bills :

On the motion of mr. Lackey—1st. A bill altering the time of returning fine money by justices of the peace, constables, sheriffs, &c. On the motion of mr. Fleming—2d. A bill to establish an election precinct in the county of Fleming. On the motion of mr. Harrison—3d. A bill to prevent fraud by the circulation of individual notes in this commonwealth. On the motion of mr. T. Stephenson—4th. A bill to regulate the duties of magistrates, sheriffs and constables in this commonwealth. On the motion of mr. Dallam—5th. A bill to authorize the sale of part of the public ground in the town of Hopkinsville. On the motion of mr. Rudd—6th. A bill to

prohibit the reading of reports of the sister states in courts of justice of this commonwealth. On the motion of mr. Todd—7th. A bill to subject equitable titles of lands to sale by execution in certain cases. On the motion of mr. Dallam—8th. A bill for the benefit of Nehemiah Cravens. On the motion of mr. H. Jones—9th. A bill to authorize an election precinct in the county of Knox. On the motion of mr. Lackey—10th. A bill to authorize the county court of Floyd county to sell a part of their public ground; and 11th. A bill to amend the law appropriating the vacant lands in this commonwealth; and on the motion of mr. Blackburn—12th. A bill to alter the mode of taking in the lists of taxable property in this commonwealth.

Messrs. Lackey, South, Fleming, Davenport and Bowman, were appointed a committee to prepare and bring in the first; messrs. Fleming, Wall, Cummins, Hart and Birney, the second; messrs. Harrison, Booker, Grundy, Marshall and Blackburn, the third; messrs. T. Stevenson, Logan, Marshall and Blackburn the fourth; messrs. Dallam, Reeves, Hopson and Mills the fifth; messrs. Rudd, Rowan and Birney the sixth; messrs. Todd, Logan and Monroe the seventh; messrs. Dallam, Hopson, Mills and Ewing the eighth messrs. H. Jones, Fleming, South and Cox the ninth; messrs. Lackey, Reeves, Dallam, Hopson and Mills the tenth; messrs. Lackey, Underwood, Fleming and Trigg the eleventh; and messrs. Blackburn, Helm and Woods the twelfth.

On motion,

*Ordered*, That mr. Lackey be added to the committee to whom was referred on yesterday the petition of Thomas Simpson, Joshua Jones, James Jones, James Raper and Roger Oates.

A message from the senate by mr. Owens:

*Mr. Speaker*,

The senate have adopted the following resolution, to-wit:

IN SENATE, December 5, 1816.

*Resolved*, by the general assembly of the commonwealth of Kentucky, That they will on Tuesday the tenth instant, proceed to the election of a member of the senate of the United States, for the next senatorial term, to commence on the fourth of March next, in the place of the honorable Martin D. Hardin, whose term of service will then expire.

*Extract, &c.*

WILLIS A. LEE, C. S.

In which they request the concurrence of this house.  
And then he withdrew.

The said resolution was then taken up, twice read and concurred in :

*Ordered*, That mr. Rowan inform the senate thereof.

And then the house adjourned.

SATURDAY, DECEMBER 7, 1816.

The petition of Catharine Bodine, widow and executrix of John Bodine, deceased, representing that there is a small tract of land belonging to the estate of her deceased husband, on which is an unfinished water grist, and saw mill ; which from the inadequacy of her funds she is unable to complete, and praying legislative permission to sell the same for the benefit of the heirs of her said husband ; and

The petition of sundry citizens of Lewis county, praying that an election precinct may be established in said county, within the boundaries therein proposed :

Were received, read, and referred ; the former to the committee for courts of justice ; and the latter to a select committee of messrs. Cox, H. Jones, Fleming and South, giving said committee leave to report thereon by bill or otherwise.

The speaker laid before the house, a letter from the auditor of public accounts, covering several documents, exhibiting the state of his office: which said letter and documents are as follows, viz :

*Auditor's Office, December 7, 1816,*

SIR,

The accompanying documents A, B, and C, are required of me by the several acts regulating this department. A, shews the balances due the state the 10th November last. B, the expenditures of government for the year ending on the same day; and C, the probable receipts and expenditures of government for the year ending the 10th November, 1817; which you will please lay before your honorable body.

I have the honor to be,

Sir, very respectfully,

Your obedient servant.

J. MADISON, *Aud.*

*The Honorable*

*John J. Crittenden*

(A)  
A STATEMENT

Of balances due to the state of Kentucky on the 10th day of November, 1816.

Of the revenue collectable by sheriffs, there is due

|              |      |      |   |   |          |
|--------------|------|------|---|---|----------|
| for the year | 1793 |      |   |   | 52 73    |
| do.          | do.  | 94   | - | - | 219 49   |
| do.          | do.  | 96   | - | - | 2,566 20 |
| do.          | do.  | 97   | - | - | 7,329 23 |
| do.          | do.  | 98   | - | - | 101 36   |
| do.          | do.  | 99   | - | - | 217 25   |
| do.          | do.  | 1800 | - | - | 210 37   |
| do.          | do.  | 1802 | - | - | 31 99    |
| do.          | do.  | 1803 | - | - | 1,820 23 |
| do.          | do.  | 1805 | - | - | 33 67    |
| do.          | do.  | 1806 | - | - | 714 10   |
| do.          | do.  | 1807 | - | - | 887 64   |
| do.          | do.  | 1808 | - | - | 35 55    |
| do.          | do.  | 1809 | - | - | 186 52   |
| do.          | do.  | 1810 | - | - | 239 24   |
| do.          | do.  | 1811 | - | - | 153 9    |
| do.          | do.  | 1812 | - | - | 155 58   |
| do.          | do.  | 1814 | - | - | 4,687 26 |

Of taxes collected by clerks on law process, deeds, seals, &amp;c. there is due

3,084 56

From the clerk of commissioner's for granting war-  
warrants to settlers on vacant land,

1,929

From John Logan, former treasurer,

2,965 34

From the Penitentiary institution

500

From the sergeant of the Court of Appeals,

1,469

Total

3 29,089 40

J. MADISON, Aud.

November 30th, 1816.

## (B)

## A STATEMENT

Of warrants issued by the Auditor in the year ending the 10th of November, 1816, shewing the amount of each source of expenditure, and the amount of warrants remaining unpaid on the 10th day of November, 1816; also the amount of warrants paid by the Treasurer during the same period.

For the December session, 1815, of the Legislature,

21,181 80

For the salaries of officers of the judiciary department,

20,992 59

For the salaries of officers of the executive department,

10,458 82

For stationery, fuel, &amp;c. for the executive officers,

1,969 35

For assistant judges,

2,922

Amount carried forward,

47,524 62

E

17740



|   |            |
|---|------------|
| Amount brought forward,                                       | 47,524 62  |
| For criminal prosecutions,                                    | 8,644 58   |
| For military services,  | 766 3      |
| For the support of lunatics,                                  | 5,129 88   |
| For circuit court jailors,                                    | 1,529 58   |
| For money refunded for taxes twice paid,                      | 1,374 86   |
| For expresses,  | 762 10     |
| For postage,  | 676 84     |
| For completing the state-house,                               | 4,500      |
| For pensioners,   | 90         |
| For negroes executed,   | 2,050      |
| For the sergeant of the Court of Appeals,                     | 429 19     |
| For public printing,  | 1,988 32   |
| For sheriffs comparing polls of election,                     | 667 22     |
| For purchasers of non-resident's land,                        | 2,930 8    |
| For clerks ex-officio services, stationary, &c.               | 4,013 39   |
| For contingent expences,                                      | 4,635 26   |
| For the extinguishment of a debt due to the Bank of Kentucky, | 73,300     |
| For stock in the Bank of Kentucky,                            | 74,300     |
| For draw-backs on funds appropriated for bank stock,          | 1,398 53   |
| Total,  | 246,480 47 |
| Warrants unpaid on the 10th day of November, 1815,            | 334 66     |
|   | 246,815 13 |
| From which deduct warrants paid by the Treasury, this sum,    | 246,411 75 |

Balance unpaid on the 10th day of November, 1816, 403 38  
J. MADISON, Aud.

November 30th, 1816.

(C)  
AN ESTIMATE

Of the probable receipts and expenditures of government for the year, ending on the 10th day of November, 1817.

EXPENDITURES.

|  |        |
|--|--------|
| The December session, 1816, of the legislature,                                  | 25,000 |
| The salaries of officers of the judiciary department,                            | 24,100 |
| The salaries of officers of the executive department,                            | 8,100  |
| Stationary, fuel, &c. for the executive offices,                                 | 2,000  |
| Criminal prosecutions,   | 9,000  |
| Military services,   | 1,000  |
| For the support of lunatics,   | 5,000  |
| For circuit court jailors,   | 1,600  |
| Money refunded for taxes twice paid, and the redemption of non-resident's lands, | 2,500  |

Amount carried forward. 78,300

04551

|    |  |        |
|----|--|--------|
| 62 | Amount brought forward,  | 78,300 |
| 58 | Expresses,   | 700    |
| 5  | Postage,   | 700    |
| 88 | Negroes executed,  | 2,000  |
| 58 | Sergeant of the Court of Appeals,  | 600    |
| 86 | Public Printing,   | 2,000  |
| 10 | Sheriffs comparing polls of election,  | 700    |
| 84 | Clerks for their ex-officio services, stationary, &c.  | 4,000  |
|    | Contingent expences,   | 5,000  |
|    | Of the appropriation made last session for completing the state-house, there remained undrawn on the 10th day of November, 1816, | 5,500  |

Total, 99,500

# RECEIPTS.

|    |   |            |
|----|---|------------|
| 39 | The dividend on stock held by the state in the Bank of Kentucky,  | 46,000     |
| 26 | Tax on bank stock owned by individuals,   | 4,500      |
|    | Tax on deeds, law process, &c. to be accounted for by clerks of the county and circuit courts,  | 5,000      |
| 53 | Of the balances due on the 10th day of November, 1816, there will be received not less than   | 5,000      |
| 47 | For tax on nonresident's lands, not including those sums which will be paid for the redemption of land heretofore sold,                 | 5,500      |
| 66 | From the Register for fees of his office,   | 1,000      |
| 18 | Of the revenue for the year 1815, collectable by sheriffs, due the 2d December, 1816, there was unpaid on the 10th day of November last | 57,695 91  |
| 75 | From this sum may be deducted for commission, delinquencies and wolves killed,  | 11,695 91  |
| 38 | Leaving a balance which will be received of   | 46,000     |
| or | Making a total of receipts  | 113,000    |
|    | To which add the amount of monies remaining in the treasury on the 10th November, 1816, subject to the ordinary expences of government, | 47,210 50  |
|    |   | 160,210 50 |
|    | Deduct the expenditures,  | 99,500     |

And there will remain in the Treasury on the 10th day of November, 1817 60,710 50

But few of the commissioner's books for the year 1816 have been received, nor are they expected in time to give from them a statement of the value and number of property subject to taxation. There can, however, be no great difference in the aggre-

gate of the books for the present, and those for the preceding year. Taking then the returns for the year 1815 as a guide, the gross amount of revenue for this year, to be accounted for by sheriffs on the first Monday in December, 1817, will be on

|  |           |
|--|-----------|
| Stud-horses,   | 1 826 30  |
| Billiard tables,   | 2 000     |
| Tavern licence,  | 3,140     |
| \$ 83,259,602 value of property at the present rate of<br>taxation | 52,037 23 |

Total 59,003 53

Applicable to the payment of the civil list for the year ending on the 10th day of November, 1818.

J. MADISON, AUD.

November 30th, 1816.

Ordered, That the said letter and documents be laid on the table.

Mr. Rowan from the committee for courts of justice, made the following report, to-wit:

The committee for courts of justice have according to order had under consideration, the petition of sundry citizens of Christian county, praying a reduction of the salary now allowed by law to the circuit judges of this commonwealth; and also praying some legislative provision, by which a more extensive circulation of the journals of both houses of the legislature may be had among the citizens of this state: and have come to the following resolution thereupon, to-wit:

*Resolved*, That said petition be *rejected*.

Which was twice read, and amended by inserting after the word Commonwealth the words, so as not to exceed the sum of eight hundred dollars."

It was then moved and seconded further to amend the said report by striking out therefrom the words, "*be rejected*," and to insert in lieu thereof the words, "*is reasonable*."

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. South and Dollerhide, were as follows, to-wit:

Yeas—Messrs. Barrett, Bowman, Cooke, Davis, Dollerhide, Duncan, (of Daviess) Duncan (of Lincoln) Ewing, Garrison, Gilmore, Goode, Green, Hawkins, Helm, Hopson, J. Jones, H. Jones, Irvine, Lackey, Mercer, Reeves, South, S. Stephenson, Stapp, Trigg, True, Turner, Metcalfe and Woods.—29.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Clarke,

Coburn, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Eggleston, Fleming, Ford, Gaines, Gaither Given, Grant, Grundy, Harrison, Hart, Hickman, Holman, Hornbeck, Hunter, Jamison, Logan, Love, Metcalfe, Mills, Moorman, Monroe, M'Coun, M'Millan, Owings, Parker, Rice, Robertson, Rowan, Rudd, Shepard, Slaughter, Spillman, T. Stevenson, Todd, Underwood, Wall, Ward, P. White, D. White and Yantis—57.

The said report as amended was then concurred in.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have passed bills of the following titles :

An act for the relief of Isaac Callahan and others, and an act to establish an election precinct in the north end of Washington county :

In which bills they request the concurrence of this house.

And then he withdrew.

Mr. South from the committee of claims, made the following report, to-wit :

The committee of claims have according to order had under consideration the petition of Hannah Gorham of Bourbon county, representing that at the last August circuit court held for said county, on the trial of Joseph Fugate and John Bazil, for murder, she furnished the *venire* men who sat on said cause, with provisions, &c. at the request of the sheriff, but that the auditor refuses to allow her account, (although certified by the court) under a belief that the existing laws will not justify it, and praying legislative provision for her case : and have come to the following resolution thereupon, to-wit :

*Resolved*, That said petition is *reasonable*.

Which was twice read : it was then moved and seconded, to amend the said report by striking out therefrom, the words "*is reasonable*," and to insert in lieu thereof, the words, "*be rejected*;" and the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Harrison and South, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Breckenridge, Carson, Coburn, Cotton, Cox, Cummins, Davidson, Dollerhide, Duncan (of Daviess) Duncan, (of Lincoln) Eggleston, Ewing, Ford, Gaither, Garrison, Gilmore Goode, Grant, Green, Grundy, Harrison, Hawkins, Helm, Hopson, Hornbeck, Hunter, J. Jones, Irvine, Lackey, Logan, Love, Mar-



shall, Mercer, Metcalfe, Moorman, Monroe, M'Coun, Parker, Reeves, Rice, Rowan, Rudd, Slaughter, South, Spillman, S. Stephenson, Stapp, T. Stevenson, Trigg, Underwood, Ward, P. White, D. White, Wickliffe and Yantis.—53.

Nays—Messrs. Clarke, Cooke, Cunningham, Dallam, Davis, Fleming, Gaines, Hart, Hickman, Holman, Jamison, Mills, M'Millan, Owings, Robertson, Shepard, Todd, True, Wall and Woods.—20

The said report as amended, was then concurred in.

*Ordered*, That messrs. Booker, Rudd, Marshall, Davenport, Rowan and Logan, be added to the committee to whom was referred, the petition of sundry citizens of Allen county, praying the removal of Walter Thomas and William Collins, Esq's. justices of the peace for said county, from office.

The house took up a bill regulating appeals from the judgment of a justice of the peace in this commonwealth, and a bill providing for proceedings against absent debtors cognizable before a justice of the peace; which were laid on the table on the 5th instant:

And thereupon the rule of the house, and first and second reading of the said bills being dispensed with, the said bills were committed to a select committee of messrs. Woods, Mills, Metcalfe, Yantis, Holman and Dallam.

On the motion of mr. Dollerhide:

*Ordered*, That mr. Goode be added to the committee of religion.

The speaker laid before the house a letter from the treasurer of this commonwealth, containing an account of the state of his office, from the 10th day of November, 1815, until the 10th day of November, 1816; which letter and account is as follows, to-wit;

Dr. John P. Thomas, treasurer, to the state of Kentucky.

|  |  |             |
|--|--|-------------|
| To cash in the treasury, the 10th Novem-<br>ber, 1815.                                       |  | \$47,642 39 |
| Do. received of sheriffs since the tenth<br>day of November, 1815, to this day<br>inclusive, |  | 109,461 53  |
| Clerks of courts, the same time,   |  | 5,066 03    |
| Green river claims, do do  |  | 47,424 17   |
| Missellaneous, do do do  |  | 55,574 64   |
| Vacant land. do do do  |  | 26,566 67   |
| Certificates of sale by register of non-<br>resident land,                                   |  | 3,348 88    |
| Ditto of non-resident redemption, by<br>Auditor,   |  | 7,773 13    |
| Tellico lands,   |  | 654 13      |
| Total  |  | 303,511 62  |

To cash in the treasury 10th November,  
1816. 57,030 35

### CONTRA.

|   |  |            |
|---|--|------------|
| By Auditor's warrants paid since the<br>Nov. 10. 10th day of Nov. 1815, to this day<br>inclusive, |  | 170,235 99 |
| Ditto on warrants for bank stock  |  | 74,300     |
| Ditto on drawbacks on Green river<br>lands lost   |  | 1,875 76   |
| Ditto on militia certificates,  |  | 69 52      |

246,481 27

Cash in the treasury 10th day of Nov. 1816 \$ 57,030 35

Total 303,511 62

*Ordered*, That the said account be laid on the table.

Mr. Blackburn moved the following resolution, to-wit:

*Resolved*, That so much of the governor's message as relates to the education of youth, and the establishment of seminaries of learning, be referred to a select committee, vesting them with power to report by bill or otherwise:

Which being twice read, was concurred in; and messrs. Blackburn, Booker, Breckenridge, Birney, Gaines and Rowan, were appointed a committee conformably thereto.

Mr. Helm, read and laid on the table the following resolution, to-wit :

*Resolved*, By the legislature of Kentucky, That the sergeant of arms to the house of representatives, be and he is hereby authorised to procure and give to George and Work, two Chickasaw Indians now at Frankfort, blankets, and such other articles as they may select to the value of ten dollars each, in testimony of the respect we have for the nation, and their services in the former and late Indian wars :

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read, amended by striking out therefrom, the words "ten," and inserting in lieu thereof, the words "twenty," and concurred in.

*Ordered*, That Mr. Helm, carry the said resolution to the senate and request their concurrence.

Mr. Monroe moved the following resolution, to-wit :

*Resolved*, That so much of the lieutenant governor's message as relates to the Penitentiary, be referred to a select committee, vested with power to report by bill or otherwise :

Which being twice read, was concurred in ; and messrs. Monroe, Barbour, Birney, Underwood, Marshall, T. Stevenson and Irvine, were appointed a committee conformably thereto :

Mr. Ewing moved the following resolution :

*Resolved*, That a committee of Finance, consisting of five members of the house of representatives, be appointed to enquire into the state of the public funds, and report to this house :

Which being twice read, was concurred in : and messrs. Ewing, Todd, White, Monroe, M'Millan and South, were appointed a committee conformably thereto.

Leave was given to bring in the following bills :

On the motion of Mr. Underwood—1st. A bill to incorporate the trustees of the Allen seminary. On the motion of Mr. Clarke—2d. A bill to authorise the sale of part of the public ground in the town of Falmouth. On the motion of Mr. Duncan (of Lincoln)—3d. A bill to authorise the editors of the newspaper entitled, "The National Pulse," to insert certain advertisements in said paper. On the motion of Mr. Helm—4th. A bill to amend an act concerning *venire men* in this commonwealth. On the motion of Mr. Dallam—5th. A bill to authorise the sale of the Christian seminary land, and to appoint trustees therein. On the motion of Mr. Grundy—6th. A bill to prolong the time of improving the lots in the town of Lebanon, in Washington county. On the motion of

Mr. Booker—7th. A bill to amend an act entitled “an act to amend and reduce into one, the several acts establishing a permanent revenue, and for other purposes;” and on the motion of Mr. Lackey—8th, A bill to raise the fees of jailors in this commonwealth, in criminal cases.

Messrs. Underwood, Garrison and Cooke, were appointed a committee to prepare and bring in the first; messrs. Clarke, Wall and Mills, the second; messrs. Duncan, (of Lincoln) Yantis and McCoun, the third; messrs. Helm, S. Stephenson, Gaither, Mills and Blackburn, the fourth; messrs. Dallam, Hopson, Reeves, Woods and Hunter, the fifth; messrs. Grundy, Booker and Harrison, the sixth; messrs. Booker, Grundy, Rudd, Rowan, Harrison, Birney Breckenridge and Reeves, the seventh; and messrs. Lackey, Wall, Metcalfe, Trigg and Davenport, the eighth.

Mr. Ewing moved for leave to bring in “a bill to repeal or amend the law of last session changing the circuit court system.”

Ordered, That the title presented on the motion aforesaid be committed to a committee of the whole house on the state of the commonwealth.

And then the house adjourned.

# MONDAY, DECEMBER 9, 1816.

The speaker laid before the house, a letter from the keeper of the Penitentiary house, exhibiting the state of that institution, which was taken up, and read as follows, to wit:

*Penitentiary Keeper's Office, December 9, 1816.*

SIR,

The keeper of the Kentucky Penitentiary being required by law to report the situation of the institution on each session of the legislature; I herewith submit the following statement:

|  |             |
|--|-------------|
| 1816. Amount of debts due the institution, | \$23,760 87 |
| Dec. 1. Manufactured articles on hand,     | 5,817 60    |
| Raw materials on hand,                     | 2,667 02    |
| Cash on hand                               | 144 12      |
|  | <hr/>       |
|  | \$32,419 59 |
| Deduct debts due to individuals, &c.       | 2,994 23    |
|  | <hr/>       |
| Total worth of the institution,            | \$29,425 36 |

WILLIAM STARLING, Keeper.

*The Honorable John J. Crittenden*

*Speaker of the House of Representatives.*



The petition of sundry citizens of the counties of Hardin and Barren, praying that a new county may be formed out of a part of each.

The petition of Zilpha Hix, of Cumberland county, praying that she may be permitted to locate, survey, and carry into grant fifty acres of vacant land, whereon she is settled, for the purpose of enabling her to raise a large family of children, who were left destitute by the untimely death of their father : and

The petition of sundry citizens of Christian county, praying that *that* clause of the revenue laws of this commonwealth, which taxes improvements on land, may be repealed:

Were severally received, read and referred ; the first to the committee of propositions and grievances ; the second to a select committee of messrs. Bowman, Underwood and Green ; and the third to a select committee of messrs. Booker, Rudd, Grundy, Rowan, Harrison, Birney, Breckenridge and Reeves, giving said committees leave to report thereon by bill or otherwise.

The following bills were reported from the several committees appointed to prepare and bring in the same. By mr. Helm—1st. a bill for the relief of Sarah Burriss; and by mr. Gaither—2nd. a bill authorizing Rudolph Neet, to build a mill on Green river :

Which bills were received, and read the first time, and ordered to be read a second time.

A bill from the senate entitled, “ an act for the relief of Isaac Callaham and others,” and a bill entitled, “ an act to establish an election precinct in the north end of Washington county ;” were read the first time, and ordered to be read a second time :

And thereupon the rule of the house, and second reading of the latter bill, being dispensed with, the same was committed to a select committee of messrs. Fleming, Booker, Cox, H. Jones, Birney, Harrison and Grundy.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth—Mr. South in the chair :

Which being resumed by mr. Speaker, mr. South reported, that the committee had according to order had under consideration, a motion for leave to bring in a bill to coerce the banks, and insurance company of Kentucky, to pay out specie for their bills, when presented for payment ; but not hav-

ing time to go through the same, had instructed him to ask for leave to sit again on the 19th inst.

The house took up the following bills, which were laid on the table on the 5th instant, viz.—1st. A bill to prevent the practice of gaming—2nd. A bill further to regulate the general court—3rd. A bill to amend the act establishing the state bank—4th. A bill to amend an act entitled, an act further regulating the penitentiary, and 5th, A bill providing a mode of trial against justices of the peace for malfeasance or misfeasance in office :

Which bills were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of the fourth bill being dispensed with, the same was committed to a select committee of messrs. Monroe, Barbour, Birney, Underwood, Marshall, T. Stevenson and Irvine.

And then the house adjourned.

## TUESDAY, DECEMBER 10, 1816.

The petition of sundry citizens of the county of Fayette, representing the great inconveniences they experience from delay in the administration of justice in the Fayette circuit court, from the crowded state of the docket of said court, & praying that the said county may be made one judicial district, and that a judge may be appointed to preside therein :

Was received, read and referred to the committee for courts justice.

Mr. M'Millan from the committee of propositions and grievances, made the following report, to-wit :

The committee of propositions and grievances have according to order, had under consideration the petition of sundry citizens of Christian County, to them referred, praying the legislature of this commonwealth would draw the attention of the congress of the United States to the subject of a change in their policy in relation to the disposal of the public lands ; and recommending small donations thereof to actual settlers for a fixed rent ; and have come to the following resolution thereupon, to-wit :

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

Mr. Underwood from the joint committee of enrollments, reported that the committee had examined enrolled resolutions of the following titles :

A resolution appointing a joint committee to examine the

bank—A resolution appointing a joint committee to examine the different offices—A resolution fixing on a day on which to elect a senator in congress to fill the vacancy occasioned by the resignation of the honorable William T. Barry; and a resolution fixing on a day on which to elect a senator in congress, for the next senatorial term:

And had found the same truly enrolled.

Whereupon, the speaker affixed his signature thereto.

*Ordered*, That mr. Underwood inform the senate thereof.

Mr. Fleming from the select committee to whom was referred, a bill from the senate entitled, "an act to establish an election precinct in the north end of Washington county," reported the same with an amendment; which being twice read, was concurred in.

*Ordered*, That the said bill as amended, be read a third time to-morrow.

Mr. Underwood from the joint committee of enrollments, reported that he deposited in the office of the secretary of state, for the approbation and signature of the governor, the resolutions signed on this day by the speaker of this house.

The petition of Thomas Rankin, of Harrison county, representing that he became the security of James Ferguson, for upwards of fifty pounds; that said Ferguson, after making some partial payments, went to the state of Virginia, where he died apparently insolvent, without any heirs or legal representatives residing in this state; that he has been compelled to pay up the said debt; that he has latterly discovered that the said Ferguson died seized of a lot of ground in Cynthiana, but is advised by well informed lawyers, that he cannot under the existing state of facts and laws of this state, subject the said lot to the payment of his claim, and praying that a law may pass giving the circuit court of Harrison county, jurisdiction of his case:

Was received, read, and referred to a select committee of messrs. Wall, Mills and Woods; giving said committee leave to report thereon, by bill or otherwise.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By mr. T. Stevenson—1st. a bill to regulate the powers and duties of sheriffs, magistrates and constables. By mr. Harrison—2nd. a bill to prevent the circulation of private notes in this commonwealth. By mr. Dallam—3rd. a bill to authorise the sale of the Christian seminary land, and to appoint trustees therein. By mr. Ewing—4th. a bill to admit a copy of the will of Samuel Drake, deceased, to record in

the Jessamine county court. By mr. Underwood—5th a bill authorising the register of the land office to receive and register certified copies of plats and certificates of survey in certain cases:

Which bills were severally received, and read the first time and ordered to be read a second time.

And thereupon the rule of the house and second reading of the fourth bill, being dispensed with, the same was committed to a select committee of messrs. Ewing, Caldwell, Underwood, Marshall, Rowan and Breckenridge.

A bill from the senate entitled, "an act for the relief of Isaac Callahan, and others," was read a second time, and ordered to be read a third time to-morrow.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have passed bills of the following titles:

An act for the benefit of John Francis, Richard Slavey and John Barnett and his associates; and an act for the relief of William and Evan Dewees—in which they request the concurrence of this house; they disagree to a resolution from this house directing the sergeant at arms of the house of representatives to procure blankets, &c. for two Indians of the Chickasaw nation, now in this place; and they have received official information that the governor did on this day approve and sign enrolled resolutions; which originated in that house of the following titles:

A resolution appointing a joint committee to examine the bank of Kentucky.

A resolution appointing a joint committee to examine the different offices.

A resolution fixing a day on which to elect a senator in congress to fill the vacancy occasioned by the resignation of the honorable William T. Barry.

A resolution fixing on a day on which to elect a senator in congress for the next senatorial term.

And then he withdrew.

A bill for the relief of Sarah Burriss; and a bill authorizing Rudolph Neet, to build a mill on Green river, were severally read a second time: the former was ordered to be engrossed and read a third time to-morrow, and the latter was committed to the committee of propositions and grievances.

A message from the senate by mr. Owens:

*Mr. Speaker,*

I am directed to inform this house that the senate are now



ready by a joint vote with this house, to proceed to the election of a senator, to represent this state in the congress of the United States for the ensuing six years, to commence on the 4th of day of March next ; and that messrs. John Adair, John J. Crittenden, and Benjamin Mills, stand on the nomination before the senate for that office.

And then he withdrew.

The further consideration of the orders of the day being dispensed with.

Mr. Robertson was invited to the chair—and mr. Speaker retired.

*Ordered*, That mr. Blackburn, inform the senate, that this house is now ready to proceed by a joint vote with that, to the election of a senator, and that the same gentlemen stand on the nomination for that office, as those reported from the senate.

The house then proceeded to the said election, and upon taking the vote, it stood thus :

For Mr John Adair—Messrs. Barrett, Birney, Booker, Carson, Cotton, Davidson, Duncan (of Lincoln) Eggleston, Ford, Gaither, Gilmore Grundy, Harrison, Helm, Hornbeck, J. Jones, H. Jones, Logan, Love, Marshall, Monroe, M'Coun, Rowan, Rudd, Spillman, S. Stephenson, Stapp, Todd and Yantis.—29.

For mr. John J. Crittenden—Messrs. Armstrong, Barbour, Bowman, Breckenridge, Coburn, Cooke, Cummins, Cunningham, Dallam, Davis, Dollerhide, Duncan, (of Daviess) Ewing, Garrison, Given, Goode, Green, Hopson Hunter, Irvine, Moorman, M'Millan, Parker, Reeves, Rice, T. Stevenson, True, Turner, Underwood, P. White, D. White and Wickliffe.—32.

For Mr. Benjamin Mills—Mr. Speaker, (Robertson) messrs. Blackburn, Caldwell, Clarke, Cox, Davenport, Fleming, Gaines, Grant, Hart, Hawkins, Hickman, Holman, Jamison, Lackey, Mercer, Metcalfe, Owings, Shepard, Slaughter South, Trigg, Wall, Ward and Woods.—25.

Messrs. Rowan, Yantis, Parker and Hickman, were then appointed a committee on the part of this house, to meet a committee from the senate, to compare the votes, and report in whose favour a majority should appear.

The said committee then retired, and after a short time returned, when mr. Rowan reported that the joint vote stood thus :

|                     |     |
|---------------------|-----|
| For mr. Adair,      | 41. |
| For mr. Crittenden, | 45. |
| For mr. Mills,      | 33. |

No one on the nomination having obtained a majority of all the votes, the house then proceeded to a second vote, between those standing highest on the first (pursuant to the method agreed on) upon which the vote stood thus :

For mr. Adair—Messrs. Barrett, Birney, Booker, Caldwell, Carson, Cotton, Davidson, Duncan (of Lincoln) Eggleston, Ford, Gaither, Gilmore, Grant, Grundy, Harrison, Hawkins, Helm, Hornbeck, J. Jones, H. Jones, Logan, Love, Marshall, Moorman, Monroe, M'Coun, Rowan, Rudd, Slaughter, Spillman, S. Stephenson, Stapp, Todd and Yantis—34.

For mr. Crittenden—Mr. Speaker, (Robertson) messrs. Armstrong, Barbour, Blackburn, Bowman, Breckenridge, Clarke, Coburn, Cooke, Cox, Cummins, Cunningham, Dallah, Davenport, Davis, Dollerhide, Duncan (of Daviess) Ewing, Fleming, Gaines, Garrison, Given, Goode, Green, Hart, Hickman, Hopson, Holman, Hunter, Jamison, Irvine, Lackey, Mercer, Metcalfe, M'Millan, Owings, Parker, Reeves, Rice, Shepard, South, T. Stevenson, Trigg, True, Turner, Underwood, Wall, Ward, P. White, D. White, Wickliffe and Woods—52.

The said committee again retired, and after a short time returned, when mr. Rowan reported that the joint vote stood thus :

|                     |     |
|---------------------|-----|
| For mr. Adair,      | 47. |
| For mr. Crittenden, | 72. |

Mr. Crittenden, having a majority of all the votes, was thereupon declared duly elected as a senator to represent this state in the congress of the United States for the ensuing six years, from and after the fourth day of March next.

And then the house adjourned.

WEDNESDAY, DECEMBER 11, 1816.

The petition of sundry citizens of the county of Bourbon, counter to those presented at a former day of the session, praying that a part of said county may be added to the county of Nicholas :

Was received, read and refered to the committee of propositions and grievances.

Leave was given to bring in the following bills :

On the motion of mr. Bowman—1st. a bill to amend an act for the regulation of certain towns in this commonwealth,

approved the 6th of January, 1812. On the motion of mr. Dollerhide—2nd. a bill to amend the law authorizing the appropriation of the law acquired by the treaty of Tellico. On the motion of mr. M'Millan—3rd. a bill concerning commonwealth's attornies. On the motion of mr. Rudd—4th. a bill concerning replevin of judgments. On the motion of mr. Ewing—5th. a bill to amend the law of last session, changing the circuit court system.

Messrs. Bowman, Green, Underwood and Hornbeck, were appointed a committee to prepare and bring in the first; messrs. Dollerhide, Gaither, Gilmore, Carson, H. Jones and J. Jones, the second; messrs. M'Millan, Cunningham, D. White and Woods, the third; messrs. Rudd, Cotton, Rowan, Mills and Harrison, the fourth; messrs. Ewing, Booker, Marshall, Mills, Rowan, South and Blackburn, the fifth.

On motion,

*Ordered.* That mr. Davenport be added to the Committee appointed to prepare and bring in a bill to amend the penal laws of this commonwealth.

On the motion of mr. Ewing;

*Ordered.* That the committee of the whole house on the state of the commonwealth, be discharged from a further consideration of a motion for leave to bring in a bill to repeal or amend the law of last session, changing the circuit court system; and that he have leave to withdraw the same.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By mr. Ewing—1st, a bill further to regulate the payment of the debt due the commonwealth for the sale of vacant lands; by mr. Helm—2nd. a bill to amend the act concerning *venue* men in this commonwealth; and by mr. Grundy—3rd, a bill prolonging the time of improving the lots in the town of Lebanon, Washington county:

Which bills were severally received, and read the first time, and ordered to be read a second time.

*Ordered.* That the public printers forthwith strike one hundred and thirty copies of the first bill for the use of the members of this house.

An engrossed bill entitled, "an act for the relief of Sarah Burriss," was read the third time, and re-committed to a select committee of messrs. Rudd, Blackburn, Helm and S. Stevenson.

A bill from the senate entitled, "an act for the relief of Isaac Callahan, and others," was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof, be amended to read, "an act providing for a change of venue in the case of Isaac Callahan, and others."

*Ordered*, That Mr. Slaughter inform the senate thereof, and request their concurrence in the said amendment.

A bill from the senate entitled, an act to establish an election precinct in the north end of Washington county, was read a third time as amended.

*Resolved*, That the said bill as amended do pass; and that the title thereof be amended to read, an act to establish election precincts in the counties of Washington, Knox, Fleming and Lewis.

*Ordered*, That Mr. Booker inform the senate thereof, and request their concurrence in the said amendments.

The following bills were severally read a second time, to-wit:

1st. A bill to prevent the practice of gaming; 2nd, a bill further to regulate the general court; 3rd, a bill to amend the act establishing the state bank; 4th, a bill providing a mode of trial against justices of the peace for malfeasance or misfeasance in office; 5th, a bill to regulate the powers and duties of sheriffs, magistrates and constables; 6th, a bill to prevent the circulation of private notes in this commonwealth; 7th, a bill to authorise the sale of the Christian seminary lands, and to appoint trustees therein; and 8th a bill to authorize the register of the land office to receive and register certified copies of plats and certificates of survey in certain cases.

The first was committed to a select committee of messrs. Mills, Lackey, South, Trigg and Rudd; the second to a committee of the whole house on the state of the commonwealth for Friday next; the third to a select committee of messrs. Monroe, Underwood, S. Stevenson, Davenport, Marshall, Owings, Barbour, Hunter and Blackburn; the fifth to a select committee of messrs. Helm, Monroe, T. Stevenson, Rowan, Mills, Daham, Marshall, Holman and Barbour; the sixth to a select committee of messrs. Underwood, Harrison, Blackburn, Helm, Booker and Marshall; the eighth to a select committee of messrs. Underwood, Mills, Blackburn, Cooke and Turner; the seventh was ordered to be engrossed and read a third time to-morrow; and the question being taken on engrossing the fourth bill, and reading it a third time, (the same having been amended at the clerk's table) it passed in the negative, and so the said bill was rejected.



*Ordered*, That the public printers forthwith strike 130 copies of the second bill for the use of the members of this house.

A bill from the senate entitled an act for the benefit of John Francis, and Richard Slavey, and Joseph Barnett and his associates ; and a bill entitled, an act for the relief of William and Evan Dewees ; were severally read the first time, and ordered to be read a second time.

And then the house adjourned.

#### THURSDAY, DECEMBER 12, 1816.

The petition of Mary Baskerville and Martha Baskerville, heirs and legal representatives of David Miller, deceased : representing that the said David Miller died seized and possessed of a claim for one thousand acres of land, on Cumberland river, in consideration of his military services in the revolutionary war ; which tract of land has been regularly surveyed, but that they are unable to procure a patent thereon, the time for returning plats and certificates of survey having expired, and the register refusing to receive and register the same ; and praying that a law may pass authorizing the registry of said plat and certificate of survey, and the emanation of a grant to them for said land.

The petition of sundry citizens of Caldwell county, praying that the legislature will adopt measures for the collection, modification, revision, re-enaction and publication in an abridged form of the general statute laws of this commonwealth the reasons stated in said petition.

The petition of sundry citizens of the town of Greensburg, in Green county, praying that a law may pass establishing the public square, streets, alleys, and boundaries of the lots in said town, in the manner proposed in said petition.

The petition of Henry W. Meriwether, representing that William Meriwether assigned to him 175 acres, part of an entry of 375 acres of land, lying in Breckenridge county, which he caused to be surveyed ; but either through the negligence or fraud of the surveyor, in the certificate of the survey, by inserting another name, instead of that of the petitioner, he was unable to return said plat and certificate of survey to the register's office, until the time allowed by law for returning plats and certificates had expired ; and praying that a law may pass authorizing the registry of said plat and certi-

locate of survey, (the same having been since corrected) and the emanation of a grant : and

The petition of the trustees of the town of Bowling Green, praying that a law may pass authorizing them to levy a tax on the inhabitants of said town, not exceeding the sum of two hundred dollars, annually in lieu of the tax now authorized by law :

Were severally received, read and referred : the first to a select committee of messrs. Underwood, Todd and Coburn, giving said committee leave to report thereon by bill or otherwise : the second and fourth to the committee for courts of justice ; the third to a select committee of messrs. Barrett, Green, Rowan and Gaither ; and the fifth to a select committee of messrs. Cooke, Turner, Garrison, Underwood and Hunter, giving the two latter committees leave to report thereon by bill or otherwise. \*

Mr. Blackburn, from the committee of propositions and grievances, made the following report, to-wit :

The committee of propositions and grievances have according to order, had under consideration the petition of sundry citizens of Bourbon county, praying that a part of said county may be added to the county of Nicholas, and petitions counter thereto, to them referred, and have come to the following resolution thereupon, to-wit :

*Resolved*, That so much of the said petition as prays all that part of Bourbon county, beginning at the corner of the Harrison and Bourbon counties, in the Nicholas county line, thence to the mouth of Steele's run, thence with the lines mentioned in the said petition to the beginning, be added to the county of Nicholas—is reasonable.

Which being twice read and amended, by striking out from said resolution the words printed in Italics, and by inserting in lieu thereof the following words : "*Where the line between Nicholas and Bourbon crosses Steele's run, thence a straight line to the mouth of the Brushy fork, thence with the boundary proposed in the petition to the beginning,*" was concurred in.

*Ordered*, That the committee of propositions and grievances prepare and bring in a bill pursuant to the said resolution.

Mr. Coburn, from the joint committee of enrollments, reported that the committee had examined an enrolled bill entitled, an act providing a change of venue for the case of

Isaac Callaham, and others, and had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Coburn inform the senate thereof.

Mr. Rudd, from the committee to whom was refered an engrossed bill entitled, an act for the relief of Sarah Burriess, reported the same with an amendment, which being twice read, was concurred in.

*Ordered*, That the said bill as amended, be re-engrossed and again read a third time on to-morrow.

A message from the senate by mr. Owens :

*Mr. Speaker*,

The senate have passed bills of the following titles : an act to alter the time of holding the county and circuit courts of Casey county ; and an act to establish and regulate the town of Campbellsville, in Green county ; in which bills they request the concurrence of this house.

And then he withdrew.

Mr. Underwood, from the select committee to whom was refered a bill to authorize the register of the land office to receive and register certified copies of plats and certificates of survey, in certain cases; reported the same with an amendment, which being twice read was concurred in.

And the question being taken on engrossing the said bill and reading it a third time, it passed in the negative, and so the said bill was rejected.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Rudd—1st, a bill to prohibit the reading of reports of the sister states in courts of justice of this commonwealth.

By mr. Lackey—2nd, a bill to amend an act regulating the collecting fines in this commonwealth. By mr. M'Millan—

3rd, a bill concerning commonwealth's attornies. By mr. Blackburn, from the committee of propositions and grievances

—4th, a bill adding a part of Bourbon county to the county of Nicholas ; and by mr. Lackey—5th, a bill to amend the act for the benefit of actual settlers—also to amend an act appropriating the vacant lands of this commonwealth :

Which bills were severally received, and read the first time, and the second, third, fourth and fifth ordered to be read a second time ; and the question being taken on reading the first bill a second time, it passed in the negative ; and so the said bill was rejected.

Mr. Mills, from the select committee to whom was refered a bill to prevent the practice of gaming, reported the same

with an amendment ; which being twice read, was concurred in.

*Ordered*, That the said bills as amended, be engrossed and read a third time to-morrow.

Mr. Shepard moved the following resolution, to-wit :

*Resolved*, That so much of the message of the lieutenant governor, as relates to navigation, be refered to a select committee, with leave to report by bill or otherwise.

Which being twice read, was concurred in ; and messrs. Shepard, Parker, Wall, Monroe, Davis, Marshall and Rudd, appointed a committee agreeably thereto.

On motion,

*Ordered*, That mr. Mills be added to the committee to whom was refered, so much of the lieutenant governor's message as relates to the education of youth, and the establishment of seminaries of learning.

On the motion of mr. Robinson :

*Ordered*, That mr. Trigg be added to the committee of Religion.

Mr. Harrison moved for leave to bring in a bill, permitting spirituous liquors to be retailed by the house keeper where elections are holden in the several precincts in this commonwealth.

And the question being taken on granting leave to bring in said bill, it passed in the negative.

And then the house adjourned.

#### FRIDAY, DECEMBER 13, 1816.

The petition of sundry citizens of Gallatin county, representing that the circuit court of said county, during the present year, decided in a case before them, that the inhabitants of the town of Port-William in said county, were not authorized by the existing laws in relation to said town, to elect trustees, and that the acts of the trustees of said town, heretofore elected are null and void ; and praying a revision of the laws heretofore enacted, and the enactment of such amendatory acts as may be deemed necessary.

The petition of James Ellis, of Nicholas county, representing that the act of the General Assembly removing the seat of justice of said county, to Ellisville, provided that the permanent seat of justice should remain at that place, on condition that the petitioner would convey to the county court for the use of the county two acres of ground and erect a jail and stray pen, which he has accordingly done ;



that the seat of justice has been removed from Ellisville by virtue of an act of the last session; and praying that a law may pass, authorizing and requiring the county court to reconvey to him said two acres of ground, and make compensation for the erection of said jail, and stray pen.

The petition of George Morrison, praying a divorce from his wife Lucy Morrison, for the reasons therein stated.

The petition of Matthew Kennedy, and Thomas Smith, and George Clarke, administrators of James W. Brand, deceased, representing that the said Kennedy and Brand purchased a lot of ground in Lexington, in partnership, and have since sold out parts thereof to several persons, but most of the contracts of sale are not reduced to writing; that said Brand has since departed this life, leaving infant children, in consequence of which the contracts made by said Kennedy and Brand, cannot be carried into execution, which will be of great injury to said Kennedy, and the estate of said Brand, and praying that a law may pass to embrace their case, and authorizing the consummation of the contracts aforesaid: and

The petition of the trustees of the Greenville academy, praying that a law may pass, authorizing them to appropriate the monies arising from the sale of their donation lands, to the erection of suitable buildings for said academy, instead of vesting them in bank stock as now directed by law:

Were severally received, read, and referred; the first to a select committee of messrs. Blackburn, Todd and Lackey; the fifth to a select committee of Messrs. Reeves, Wickliffe, Dallam, Hopson and Caldwell, giving said committees leave to report thereon by bill or otherwise; the second to the committee for courts of justice; the third to the committee of religion; and the fourth to the committee of propositions and grievances.

Mr. Robert M'Hatton, a member returned to serve in this house from the county of Scott, appeared, produced a certificate of his election and of his having taken the necessary oaths and took his seat:

Mr. Blackburn, from the committee of propositions and grievances to whom was referred a bill, authorizing Rudolph Nect, to build a mill on Green river, reported the same without amendment.

*Ordered*, That the said bill be re-committed to a select committee of messrs. Goode, Gaither and Mills.

Mr. Helm, from the select committee to whom was referred a bill to regulate the powers and duties of sheriffs, magistrates, and constables, reported the same with an amendment,

which being twice read, was concurred in with amendments.

*Ordered*, That the said bill with the amendments be engrossed and read a third time to-morrow.

Mr. Booker, from the select committee to whom was referred, a bill to prevent the circulation of private notes in this commonwealth, reported the same with an amendment, which being twice read, was concurred in with an amendment,

*Ordered*, That the said bill as amended, be engrossed and read a third time to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same.

By mr. Harrison—1st, a bill for encouraging the importation of goods by the port of New Orleans. By mr. Dollerhide—2nd, a bill to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico. By mr. Clarke—3rd, a bill authorizing the trustees of the town of Palmouth, to sell part of the public ground in said town. By mr. Ewing—4th, a bill to amend the law of last session, changing the circuit court system; and by mr. Barret—5th, a bill to amend the act entitled an act to regulate the town of Greensburgh in Green county; which bills were severally received, and read the first time, and ordered to be read a second time.

The house then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Metcalfe in the chair; which being resumed by mr. Speaker, mr. Metcalfe reported, that the committee had according to order had under consideration, a bill further to regulate the general court, and had made some progress therein, but not having time to go through the same had instructed him to ask for leave to sit again on Monday the 16th inst.

Leave was given to bring in the following bills:

On the motion of mr Metcalf—1st, a bill for the relief of Archelaus Vanhook, late sheriff of Nicholas county. On the motion of mr. T. Stevenson—2nd, a bill to ascertain and make the division line between the counties of Woodford and Franklin; and on the motion of mr. Lackey—3rd, a bill to alter the time of holding the circuit and county courts in certain counties.

Messrs. Metcalfe, Robertson and Mills were appointed a committee to prepare and bring in the first; messrs. T. Stevenson, Blackburn, Marshall and P. White, the second;

and messrs. Lackey, Fleming, Underwood, Gaines, Carson and Davenport, the third.

And then the house adjourned.

# SATURDAY, DECEMBER 14, 1816.

The petition of Jane Johnson, Matthew Elder, and Robert H. Bishop administrators of the estate of John C. Johnson, deceased, praying that a law may pass, authorizing them to sell the real estate of said deceased, for the payment of his debts, (the personal estate being already exhausted) and the investiture of the balance in bank stock for the benefit of his widow and children.

The petition of James Allen, praying compensation for his services as quarter master to the 12th regiment of detached Kentucky militia, under the command of lieutenant Col. James Cox.

The petition of sundry citizens of the town of Louisville, and county of Jefferson, praying that a law may pass, authorizing the establishment of an independant bank in said town, with a sufficient capital, and under suitable regulations : and

The petition of William Hunter and Robert Johnson, administrators of David Neiss, deceased ; praying that a law may pass, authorizing them to make sale of a part of the real estate of said decedent, for the purpose of paying his debts ; the personal estate having been already exhausted for that purpose :

Were severally received, read, and refered : the first to the committee of propositions and grievances ; the second to the committee of claims ; the third to a select committee of messrs. Hunter, Barbour, Rowan, Todd, Breckenridge, Davenport and Dallam, and the fourth to a select committee of messrs. Marshall, P. White, and Birney ; giving said committee, leave to report by bill or otherwise.

Mr. Robertson, from the committee of religion, made the following report, to-wit :

The committee of religion have according to order had under consideration sundry petitions to them refered, and have come to the following resolutions thereupon, to-wit :

*Resolved*, That the petition of sundry citizens of the counties of Bourbon and Nicholas, praying that some provision may be made for the maintenance and support of the wives and children of those persons who may hereafter join that sect of people called *Shakers* ; and recommending to the le-

gislature the adoption of certain measures to attain that end, *be rejected.*

*Resolved,* That so much of the petition of Sally W. Boler, as prays that a law may pass, authorizing the registry of a plat and certificate of survey, and the emanation of a grant for a tract of land given her by her husband previous to his joining the Shakers, and an indulgence for the state price thereof, *is reasonable.*

*Resolved,* That the petition of George Morrison, praying a divorce from his wife Lucy, for reasons therein stated, *is reasonable.*

Which being twice read, was concurred in.

*Ordered,* That the said committee prepare and bring in bills pursuant to the second and third resolutions :

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Holman—1st, a bill altering the mode of summoning jurors. By mr. T. Stephenson—2nd, a bill to ascertain and mark the division line between the counties of Franklin and Woodford. By mr. Blackburn—3rd, a bill for the better regulation of the town of Port William, in the county of Gallatin. By mr. Bowman—4th, a bill for the relief of Zilpha Hix, and the heirs of Richard Hix, deceased. By mr. Monroe—5th, a bill for the benefit of John M'Comb. By mr. J. Jones—6th, a bill for the benefit of Thomas Simpson. By mr. Ewing—7th, a bill for the relief of Hugh Henderson, of Logan county. By mr. Lackey—8th, a bill authorizing the county court of Floyd county, to sell a part of their public ground. By mr. Blackburn—9th, a bill to alter the mode of taking in the lists of taxable property in this commonwealth. By mr. Todd—10th, a bill to subject the equitable titles to land to sale under executions in certain cases. By mr. Dallam—11th, a bill to provide for the sale of a part of the public ground in the town of Hopkinsville. By mr. Dallam—12th, a bill for the relief of Nehemiah Cravens :

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of the first bill being dispensed with, the same was committed to a committee of the whole house, on the state of the commonwealth, for Wednesday the 19th instant.

*Ordered,* That the public printers forthwith print 130 copies of the first and ninth bills for the use of the members of this house.



A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate have received official information, that the lieutenant governor did, on yesterday, approve and sign an enrolled bill which originated in that house, entitled, an act providing for a change of venue in the case of Isaac Callahan and others ; and they have passed bills of the following titles :

An act more effectually to secure the navigation of the Beech and Rolling forks of Salt river ; an act establishing a town on the Jefferson Seminary Lands, an act for the relief of Taylor and George Noel ; an act making provision for the trial of certain suits in the court of appeals ; and an act to compel circuit judges to reside within the bounds of their circuits :

In which bills they request the concurrence of this house :  
And then he withdrew.

On the motion of mr. Marshall :

*Ordered,* That leave be given to bring in a bill to incorporate the Frankfort lock navigation company ; and that messrs. Marshall, Rowan, Mills, Wall, Blackburn, Booker, Woods, Breckenridge, Birney, Logan, Todd, Yantis and Ewing, be appointed a committee to prepare and bring in the same.

And then the house adjourned.

#### MONDAY, DECEMBER 16, 1816.

The petition of Armistead Churchill of Jefferson county, representing that he is confined in the jail of said county on a charge of murder, but from the prejudices existing against him in said county, he cannot obtain a fair and impartial trial, and praying that a law may pass, authorizing his trial to be had in some one of the adjacent counties.

The petition of sundry citizens of the counties of Fayette, Clarke, Scott, Harrison, Mercer, Lincoln and Shelby, praying that the legislature of this commonwealth, would purchase the patent right of mr. Francis Hall, (of Tennessee) to a machine, for preparing and milling flax, hemp, &c. and

The petition of Elizabeth Thompson, widow of George Thompson, deceased, of Warren county ; praying that a law may pass, authorizing her to sell a part of the real estate of her deceased husband, for the purpose of paying his debts, the personal estate having been already exhausted for that purpose :

Were severally received, read, and refered : the first to

the committee for courts of justice; the second to a select committee of messrs. Breckenridge, Owings, Hickman, Birney, Wall, Logan, South, Robertson and M'Millan; and the third to a select committee of messrs. Cooke, Marshall, P. White and Birney; giving said committee leave to report by bill or otherwise.

Mr. Fleming, from the joint committee appointed to examine into, and report upon the state of the treasurer's office, made the following report, to-wit:

The joint committee of the senate and house of representatives, have examined the treasurer's office, and compared the vouchers with their entries, and find them correctly entered. A statement herewith reported is the result of an examination.

*From the senate.*

HERMAN BOWMAR,  
RICHARD TAYLOR, Jr.

*From the House of Representatives.*

WILLIAM P. FLEMING,  
FRANCIS H. GAINES,  
BENJAMIN DUNCAN,  
JAMES FORD,  
DAVID C. IRVINE,  
NATHAN GAITHER.

DR. John P. Thomas, treasurer, in account with the state of Kentucky.

|          |  |             |
|----------|--|-------------|
| 1816.    | To cash in the treasury 10th Novem-        |             |
| Nov. 10. | ber, 1815.                                 | \$17,642 32 |
|          | Ditto received of Sheriffs since the       |             |
|          | 10th Nov. 1815 to this day inclu-          |             |
|          | sive,                                      | 109,461 53  |
|          | Ditto of clerks of court same time,        | 5,066 3     |
|          | Ditto from Green river claims,             | 47,424 17   |
|          | Ditto miscellaneous claims includ-         |             |
|          | ing states' dividend on bank               |             |
|          | stock, &c.                                 | 55,574 64   |
|          | Ditto from vacant land,                    | 26,566 67   |
|          | Ditto from certificates of sale by re-     |             |
|          | gister of non-residents' land,             | 3,348 83    |
|          | Ditto of non-residents' redemptions,       |             |
|          | &c. by auditor,                            | 7,773 13    |
|          | Tellico land,                              | 654 18      |
|          |  | <hr/>       |
|          |  | 303,511 62  |
|          |  | <hr/>       |
|          | To cash remaining in the treasury 10th No- |             |
|          | vember, 1816.                              | \$57,030 35 |

## CONTRA.

|   |              |
|---|--------------|
| 1816. By auditor's warrants paid since 10th     |              |
| Nov. 10. November, 1815, to this day inclusive, | \$170,235 99 |
| Ditto on warrants for bank stock,               | 74,300 00    |
| Ditto on drawbacks on Green river land lost,    | 1,875 76     |
| Ditto on militia certificates,                  | 69 52        |
| Cash in the treasury 10th November, 1816.       | 57,030 35    |
|   | <hr/>        |
|   | \$303,511 62 |

## MISCELLANEOUS CLAIMS.

|   | D. C.  |
|---|--------|
| 1815. Samuel Short, 85 acres of third rate land   |        |
| Dec. 14. in Pulaski,  | 17     |
| 27. John Gilbert, 40 acres in Clay,   | 8      |
| Same on 90 acres in said county,  | 18     |
| 1816. William Phelps, 450 acres of third rate,  |        |
| Jan 6. in Clay county in full,  | 90     |
| John Bates, 100 acres of third rate, Clay county.   | 20     |
| John Gilbert, 225 acres in said county,   | 45     |
| 1815. Thomas Metcalfe, a justice of the peace   |        |
| Dec. 20. for Nicholas county, the balance due for a stray mare taken up by James Glaseo paying the expences of sale, &c.              | 12 38  |
| 1816. Lawrence Gordan, the amount received  |        |
| Feb. 10. by him as justice of the peace for the sale of a stray mare in Henry county,   | 2 65   |
| The heirs of John Robinson, for the state price on 400 acres of Land in Franklin, see act approved 8th Feb. 1812,                     | 80     |
| April 15. John Wallace, for tax of 1812 on land and town lots, value 600 doll.  | 20 50  |
| 1815. Gideon Prather, a resident for tax on sun-  |        |
| Dec. 13. dry tracts of land in different names,   | 35     |
| 1816. Henry Lodge, for tax on twelve tracts of  |        |
| Jan. 27. land in Christian and Livingston counties, containing 285 acres, it having been returned to the auditor by sheriff of Logan, | 10 35  |
|   | <hr/>  |
| Amount carried forward,   | 324 73 |

|           |  |           |
|-----------|--|-----------|
|           | Amount brought forward,                      | 324 73    |
| 1816.     | Jerald Dodge, for amount of his revenue      |           |
| Feb. 13.  | on stud horse at 300,                        | 324       |
|           | And 300 acres land in Breckenridge and       |           |
|           | tax on this land for 1815,                   | 4 17      |
| Jan. 8.   | John L. Martin, Cashier of the Kentucky      |           |
|           | Insurance Office, tax for 1815, on 1000      |           |
|           | shares owned by individuals,                 | 250       |
| Jan. 27.  | Joseph Chandler, for money refunded to       |           |
|           | him through mistake,                         | 30        |
| 1815.     | Anderson Miller, keeper of the Peniten-      |           |
| Nov. 30.  | tiary in part of the sum loaned under an     |           |
|           | act of 1812, approved January, 1813,         | 2000      |
| Nov. 21.  | Richard Taylor, sergeant to the court of ap- |           |
|           | peals in part of an execution against Wil-   |           |
|           | liam Johnson, sheriff of Shelby, and his se- |           |
|           | curities for the revenue of 1802,            | 93 62     |
| 30.       | Same for sundry executions as per. certifi-  |           |
| 1816.     | cate,  | 369 24    |
| Jan. 17.  | Same as per. certificate,                    | 123 89    |
| 18        | Same in part of an execution against         |           |
|           | Charles Query, for balance revenue of        |           |
|           | 1803,  | 82        |
| 8.        | The bank of Kentucky for the state's divi-   |           |
|           | dend which came due the 1st instant,         | 20,972 15 |
|           | For 10,510 shares held by individuals in     |           |
|           | said institution,                            | 2,627 50  |
| May 31.   | William Cook, for 200 acres residents'       |           |
|           | lands redeemed                               | 91        |
| July 1st. | William P. Roper, in part of an execution    |           |
|           | against John Kercheval, and collected by     |           |
|           | said Roper,                                  | 70        |
|           | Richard Taylor, sergeant of the court of ap- |           |
|           | peals in part of an execution against Field- |           |
|           | ing Jones, sheriff of Henderson, for bal-    |           |
|           | ance of revenue of 1813, <i>fi. fa.</i>      | 120       |
| 1816.     | Richard Taylor, in full, including 18 per    |           |
| July 6.   | cent. interest, on an execution against West |           |
|           | Maulding, sheriff of Logan, for balance      |           |
|           | revenue of 1815,                             | 92 68     |
|           | Same in full of an execution against Tra-    |           |
|           | ves Davis, sheriff of Nelson county, for     |           |

Amount carried forward, 27,160 89



|          |  |                 |
|----------|--|-----------------|
|          | Amount brought forward,  | 27,160 89       |
|          | balance revenue of 1814, due for same year,  | 350 48          |
| 1816     | Same, the amount of principal and interest on an execution against Benjamin Gilbert, sheriff of Ohio, and securities with interest at the rate of 18 per cent. per annum from the 1st day of December, 1815, to 4th June 1816. | 994 55          |
| July 6.  | Same, for principal and interest on an execution against Jonathan Hopson, clerk of Warren, circuit and county courts, and securities for taxes received on law process, &c. from 1st Oct. 1813, to 1st Oct. 1814,              | 54 34           |
| July 2.  | Bank of Kentucky for the state's dividend six months, ending 1st instant,  | 25,064 43       |
| Sept. 5. | John Bowman, by John Veechs for the redemption of 50 acres of land residents' property with the costs and interest amounting to  | 84              |
|          | Andrew Adams by Joel P. Williams, for 300 acres of land redeemed having been sold by sheriff of Mercer, sold for the tax due for 1813 and 14,  | 95              |
| Oct. 12. | Mary Hall, for tax and costs of 1812 in redeeming 128 acres of land in Mercer,   | 1 25            |
| Nov. 7.  | Richard Taylor, sergeant of the court of appeals, being debt of William Winslow, execution no. 905,  | 53 95           |
| 8.       | Register land office, for fees of office from 1st Oct. 1815, to 1st Oct. 1816.   | 1,880 61        |
|          | Secretary of state, to amount from page 18, this book,   | 12 35           |
|          |  | <hr/> 55,574 64 |

Mr. Underwood, from the committee appointed for that purpose, reported a bill to incorporate the trustees of the Allen seminary, which was received, and read the first time, and ordered to be read a second time :

And thereupon the rule of the house and second reading of said bills being dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

Engrossed bills of the following titles :

1st. An act to authorize the sale of the Christian Seminary land, and to appoint trustees therein—2nd, an act for the relief of Sarah Burriss ; and 3rd, an act to regulate the powers and duties of sheriffs, magistrates and constables :

Were severally read a third time, and the blank in the first filled :

*Resolved*, That the first and second bills do pass ; that the title of the first be amended to read, an act to incorporate the trustees of the Christian academy, and that of the second be as aforesaid.

*Ordered*, That Mr. Dallam carry the first ; and mr. Helm the second bills to the senate, and request their concurrence.

*Ordered*, That the third bill be re-committed to a select committee of messrs. Mills, Breckenridge, Grundy, Rowan, Woods, Owings, Parker and Blackburn.

An engrossed bill entitled, an act to prevent the practice of gaming, was read a third time as follows :

*An act to prevent the practice of gaming.*

Whereas, the practice of gaming is calculated to destroy domestic felicity, by its insinuating example to corrupt society, a practice fostered by faction and encouraged by unworthy dispositions for gain : for remedy whereof,

§ 1. *Be it enacted by the General Assembly of the commonwealth of Kentucky*, That all officers of this state at large, or of any district, county or precinct, who shall hereafter be commissioned, appointed or elected, and who are now directed by law or the constitution of this state, to take any oath or oaths of office, shall before they enter on the duties of their respective offices, take the following oath or affirmation, in addition to those already directed, to-wit :

“ I, A. B. do swear or affirm, (as the case may be) that I will neither directly nor indirectly, stake, bet or win any money or property, on any game or games played with cards, dice, billiards, roulette, pharo-bank, checkers, wheel of fortune or any other device or instrument used for the purposes of gaming, for and during my continuance in office.” And upon failing to take such oath or affirmation, their offices shall be vacated, and others shall be appointed in their stead respectively, in like manner as is directed by law in the first instance.

§ 2. *Be it further enacted*, That to every counsel or attorney at law, who shall desire to practice as attorney or counsel at law in any court in which he has not hitherto been admitted and sworn, the oath or affirmation prescribed in the first section of this act, shall be administered, with this varia-

tion; in lieu of the words, "for and during my continuance in office," the words "for and during the continuance of my practice in this court," shall be used. And upon his failing to take such oath or affirmation (as the case may be) he shall not be allowed to practice law in said court. Provided, however, that nothing in this act contained, shall be so construed as to apply to the playing of any game for amusement or pastime, without betting any money or property thereon, nor to any bet on the shooting of fire arms.

§ 3. *Be it further enacted*, That every judge and justice of the peace, who shall administer the foregoing oath or affirmation, shall return a certificate thereof to the clerk of the court of his county within thirty days, and the clerk shall record the same in a book to be kept by him for that purpose.

§ 4. *Be it further enacted*, That when any person after this act is in force, shall apply to any county court to obtain licence to keep a tavern or to retail spirituous or fermented liquors, said applicant before he obtains such licence, shall in open court take the following oath or affirmation, to-wit: "I, A. B. do swear (or affirm) that I will not knowingly, suffer or permit any unlawful gaming in my house, or any building in my occupancy, or any money or property to be bet and lost on any game of hazard or chance forbidden by law, with my privity and assent, during the continuance of the licence I now apply for." And in all future applications to renew such licence, the following words shall be added to said oath or affirmation, to-wit: "Nor have I ever knowingly suffered or permitted any unlawful gaming in my house, or any building in my occupancy, nor have I knowingly suffered or permitted any money or property to be lost or won therein, with my privity or assent, during the continuance of my licence next preceding this period." And on a failure or refusal to take the oath or affirmation aforesaid, no licence shall be granted to said applicant.

This act shall be in force from and after the the first day of June next.

And the question being taken on the passage of said bill, it passed in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by messrs. Holman and Blackburn, were as follows, to-wit:

Yeas—messrs. Armstrong, Blackburn, Clarke, Cox, Davis, Dollerhide, Duncan, (of Da-viess) Ewing, Ford, Garrison, Gilmore, Goode, Grundy, Harrison, Hart, Hawkins, Helm, Hopson, Holman, Jamison, Irvine, Lackey, Love, Mills, M'Millan, Parker, Rice, Robertson, Rudd, Slaughter, South

Spillman, S. Stephenson, Trigg, Turner, Ward, D. White and Woods.—38.

Nays—Mr. Speaker, messrs. Barbour, Barrett, Birney, Booker, Bowman, Breckenridge, Caldwell, Carson, Coburn, Cooke, Cotton, Cummins, Dallam, Davenport, Davidson, Duncan (of Lincoln) Eggleston, Fleming, Gaines, Gaither, Given, Grant, Green, Hickman, Hornbeck, Hunter, J. Jones, H. Jones, Marshall, Mercer, Metcalfe, Moorman, Monroe, M'Hatton, Owings, Reeves, Rowan, Shepard, Stapp, T. Stevenson, Todd, True, Underwood, Wall and Yantis—46.

An engrossed bill entitled, an act to prevent the circulation of private notes in this commonwealth, were read a third time.

Ordered, That the said bill be laid on the table; and that the public printers forthwith print 130 copies thereof, for the use of the members of this house.

And then the house adjourned.

## TUESDAY, DECEMBER 17, 1816.

The petition of Charles L. Campbell, exhibiting charges against Samuel Turner, a justice of the peace for Gallatin county (accompanied by several affidavits) and praying his removal from office.

The petition of Joseph Woods, of Christian county, representing that being entitled to a certificate for 400 acres of land in said county, he caused a survey to be executed thereon, but through some mistake, it was made to interfere with a military survey; that he caused a re-survey to be made, but the register in filling up the patent, was governed by the original survey, instead of the re-survey; and praying that a law may pass, authorizing the cancelment of the patent, and authorizing the emanation of one on the re-survey aforesaid.

The petition of Jeremiah and Thomas Wilson, of Woodford county, praying legislative permission to build a dam across the Kentucky river, at their mill on said river, of the height of two or three feet with a proper lock which they represent would greatly improve the navigation of the river at that place, and be of great advantage to the neighbourhood.

The petition of sundry citizens of the counties of Knox, Clay and Rockcastle, praying that a new county may be formed out of a part of each; and

The petition of sundry citizens of this commonwealth;



praying that the salary now allowed by law to the circuit judges of this commonwealth, may be reduced; and that some legislative provision may be made for a more extensive circulation of the journals of both branches of the legislature :

Were severally received, read, and the first, second, third and fourth referred ; the first to a select committee of messrs. Blackburn, Rowan, Mills, Todd, Rudd and Parker, giving said committee power to send for persons, papers, and records for their information ; the second to a select committee of messrs. Reeves, Dallam and Hopson ; the third to a select committee of messrs. Blackburn, T. Stevenson, South, Yantis, M'Coun, Woods, Irvine, Trigg, and Marshall, giving said committees leave to report thereon by bills or otherwise ; and the fourth to the committee of propositions and grievances.

*Ordered*, That the fifth be laid on the table.

Mr. Rowan, from the committee for courts of justice made the following report, to-wit :

The committee for courts of justice have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit :

1. *Resolved*, That the petition of Catharine Bodine, widow and executrix of John Bodine, deceased, representing that there is a small tract of land belonging to the estate of her deceased husband, on which is an unfinished water grist and saw mill, which from the inadequacy of her funds, she is unable to complete, and praying legislative permission to sell the same for the benefit of the heirs of her deceased husband, is reasonable.

2. *Resolved*, That the petition of sundry citizens of Caldwell county, praying that the legislature will adopt measures for the collection, modification, revision and publication in an abridged form of the general statute laws of this commonwealth, be rejected.

3. *Resolved*, That the petition of James Ellis, of Nicholas county, representing, that the act of the general assembly removing the seat of justice of said county to Ellisville, provided that the permanent seat of justice should remain at that place, on condition that the petitioner would convey to the county court for the use of the county two acres of ground and erect a jail and stray pen, which he has accordingly done; that the seat of justice has been removed from Ellisville by virtue of an act of the last session ; and praying that a law

may pass authorizing and requiring the county court to convey to him said two acres of ground, and make compensation for the erection of said jail and stray pen, *is reasonable.*

*4. Resolved,* That the petition of Armistead Churchill of Jefferson county, representing, that he is confined in the jail of said county on a charge of murder, but from the prejudices existing against him in said county, he cannot obtain a fair and impartial trial; and praying that a law may pass authorizing his trial to be had in some one of the adjacent counties, *is reasonable.*

Which was twice read, and the first resolution concurred in.

It was then moved and seconded to amend the second resolution, by striking out the words, "*be rejected,*" and inserting in lieu thereof the words, "*is reasonable,*"

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Harrison and South, were as follows, to-wit:

Yeas—Messrs. Barbour, Barrett, Caldwell, Carson, Clarke, Cotton, Cox, Davenport, Davidson, Davis, Doherty, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Fleming, Ford, Gaither, Garrison, Given, Goode, Grant, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hunter, J. Jones, Irvine, Lackey, Love, Mercer, Metcalfe, Monroe, M'Coun, M'Millan, Reeves, Rice, Rowan, Slaughter, Spillman, Stapp, T. Stevenson, Todd, True, Underwood, Ward, P. White, D. White and Wickliffe—54.

Nays—Mr. Speaker, messrs. Armstrong, Blackburn, Booker, Bowman, Breckenridge, Coburn, Cummins, Eggleston, Logan, Marshall, Mills, Moorman, M'Hatton, Parker, Robertson, Rudd, Shepard, South, S. Stephenson, Trigg, Turner, Wall, Woods and Yantis—25.

The said resolution as amended, was then concurred in.

The third and fourth resolutions (the third being amended by striking out the words, "*is reasonable,*" and inserting in lieu thereof the words, "*be rejected,*") were then concurred in.

*Ordered,* That the committee for courts of justice prepare and bring in bills pursuant to the first, second and fourth resolutions.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By mr. Mills, from the committee to whom was referred so much of the lieutenant governor's message on that subject :

1st. A bill to encourage education and establish and endow seminaries of learning. By mr. Metcalfe—2nd, a bill for the relief of Archelaus Vanhook, late sheriff of Nicholas county. By mr. M'Millan—3d, a bill to amend the penal laws of this commonwealth. By mr. Reeves—4th, a bill further to regulate the Greenville Seminary ; and by mr. Duncan (of Lincoln)—5th, a bill for the benefit of the heirs of Joseph Laswell, deceased.

Which bills were severally received and read the first time and ordered to be read a second time.

And thereupon the rule of the house and second reading of the first and second bills being dispensed with, the first was committed to a committee of the whole house on the state of the commonwealth, and the second was ordered to be engrossed and read a third time to-morrow.

*Ordered,* That the public printers forthwith strike one hundred and thirty copies of the first bill for the use of the members of this house.

Leave was given to bring in the following bills :

On the motion of mr. Garrison—1st, a bill to regulate the town of Scottsville, in the county of Allen, and for other purposes. On the motion of mr. Rowan—2d, a bill to amend the act entitled an act to reduce into one the several acts or parts of acts, concerning limitations of actions. On the motion of mr. M'Hatton—3rd, a bill for the benefit of Sarah Tharpe, and the heirs of William A. Tharpe, deceased. On the motion of mr. Underwood—4th, a bill for the relief of Isaac Greathouse. On the motion of mr. M'Coun—5th, a bill for the benefit of the heirs of John M'Afee. And on the motion of mr. Todd—6th, a bill to amend an act entitled an act regulating certain surveys in this commonwealth.

Messrs. Garrison, Underwood, Cooke and Rowan, were appointed a committee to prepare and bring in the first ;—messrs. Rowan, Mills, Davenport, Underwood and Todd, the second ; messrs. M'Hatton, Shephard and Cox, the third ; messrs. Underwood, Monroe and Turner, the fourth ; messrs. M'Coun, Birney and Yantis, the fifth ; and messrs. Todd, Mercer, Cummins, Barbour, D. White and Coburn, the sixth.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Robertson in the chair, which being resumed by mr. speaker, mr. Robertson reported, that the committee had according to order, had under considera-

tion a bill further to regulate the general court; and had gone through the same with an amendment, and had come to a resolution thereupon, which he handed in at the clerk's table. And then the house adjourned.

### WEDNESDAY, DECEMBER 18, 1816.

The petition of sundry citizens of the county of Mercer, praying that the town laid off in said county by the name of Perryville, may be established by law, and trustees appointed therein, with such powers as may be thought necessary for the good order and government thereof.

The petition of sundry citizens of Floyd county, praying that a law may pass, for the purpose of authorizing a road to be opened from Mountsterling in Mountgomery county, to the town of Prestonsburg, in Floyd county.

The petition of a committee of the county court of Fayette, representing that the books of entries and surveys in the surveyor's office of said county, are much mutilated and worn, and praying that a law may pass, authorizing such parts of said books to be transcribed, under the inspection of the county court of said county, as may be deemed necessary, and declaring copies taken therefrom legal evidence in courts of justice:

Were severally received, read, and referred; the first to a select committee of messrs. Birney, McCoun and Marshall; the second to a select committee of messrs. Davenport, Jamison, Mills, Lackey and Blackburn; and the third to a select committee of messrs. Parker, True, Breckenridge, Woods and Yantis; giving said committees leave to report thereon, by bills or otherwise.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By mr. Duncan (of Lincoln)—1st, a bill to authorize the editor of the newspaper entitled, the National Pulse, to insert certain advertisements in said paper. By mr. M'Hatton—2d, a bill for the benefit of Sarah Allen Tharpe, and the heirs of Wm. Allen Tharpe, deceased. By mr. Reeves—3rd, a bill for the relief of Joseph Woods. By mr. Bowman—4th, a bill for the relief of Esther Smiley; and by mr. Rowan, from the committee for courts of justice—5th, a bill for the relief of Catharine Bodine.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of



the first, third, and fifth bills being dispensed with, (the third and fifth being amended at the clerk's table) the same were ordered to be engrossed, and read a third time to-morrow.

An engrossed bill entitled, an act to incorporate the Ailen seminary, and an engrossed bill entitled, an act for the relief of Archelaus Vanhook, and the blanks in the first being filled:

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That mr. Underwood carry the first; and mr. Metcalfe the second bills to the senate and request their concurrence.

The following bills were severally read a second time, to-wit:

1st, A bill further to regulate the payment of the debt due the commonwealth for the sale of vacant lands; 2nd, a bill to amend an act concerning *venire* men in this commonwealth; 3rd, a bill prolonging the time of improving the lots in the town of Lebanon, in Washington county; 4th, a bill to amend an act regulating the collecting fines in this commonwealth; 5th, a bill concerning commonwealth's attornies; 6th, a bill adding a part of Bourbon county, to the county of Nicholas; 7th, a bill to amend the act for the benefit of actual settlers; also to amend the act appropriating the vacant lands of this commonwealth; 8th, a bill to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico; 9th, a bill authorizing the trustees of the town of Falmouth to sell part of the public ground in said town; 10th, a bill to amend the law of the last session, changing the circuit court system; 11th, a bill to amend the act entitled, an act to regulate the town of Greensburgh, in Green county; 12th, a bill to ascertain and mark the division line between the counties of Woodford and Franklin; 13th, a bill for the better regulation of the town of Port-William, in the county of Gallatin; 14th, a bill for the relief of Zilpha Hix, and the heirs of Richard Hix, deceased; 15th, a bill for the benefit of John M'Comb; 16th, a bill for the benefit of Thomas Simpson, and 17th, a bill for the relief of Hugh Henderson, of Logan county.

The first and tenth were committed to a committee of the whole house; the former for to-morrow; the fourth to a select committee of messrs. Blackburn, Todd, Mills and Lackey; the seventh to a select committee of messrs. Helm, Lackey, Mills, Irvine, Dollerhide and Reeves.

The 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 16, and 17, (the second, fifth, sixth and twelfth being amended at the clerk's table,) were severally ordered to be engrossed and read a third time to-morrow; and the thirteenth was ordered to be laid on the table.

A bill for the encouraging the importation of goods by the port of New Orleans, was read a second time, and amended to read as follows, to-wit:

Whereas the prosperity of this state essentially depends upon the exportation and importation of its produce and merchandize, to and from the port of New Orleans, through the channel of the Mississippi; and it is believed, that an exemption from taxation for a given period of all merchandize imported through that channel to this state, would greatly promote so desirable an object;

Sec. 1st. Wherefore, be it enacted by the general assembly of the commonwealth of Kentucky, that all the merchandize imported into this state from the port of New Orleans, through the channel of the river Mississippi from and after the            day of            shall be free and exempt from taxation under any of the revenue or other laws of this commonwealth, *for and during the space of five years, from and after the passage of this act*, any law to the contrary notwithstanding.

Sec. 2. This act shall be construed, taken and held, in the nature of a contract between this state and those who shall import goods pursuant thereto, and shall be irrevocable during the period aforesaid.

Mr. Mills then moved further to amend the said bill by expunging from the first section thereof the words printed *in italics* and strike out the whole of the second section.

And the question being put on agreeing to the said amendment, it passed in the negative.

The yeas and nays being required thereon, by messrs. Rowan and Mills, were as follows, to-wit:

Yeas—Mr. Speaker, messrs. Barrett, Birney, Breckenridge, Carson, Coburn, Cotton, Cunningham, Dallam, Davidson, Davis, Dollerhide, Duncan (of Lincoln) Ewing, Gaither, Gilmore, Goode, Green, Hopson, J. Jones, H. Jones, Irvine, Logan, Mercer, Metcalfe, Mills, Monroe, M'Hatton, Owings, Parker, Reeves, Robertson, Rudd, Slaughter, South, T. Stevenson, Trigg, True, Turner, Wall, Ward, Woods and Yantis—43.

Nays—Messrs. Barbour, Blackburn, Booker, Bowmar,

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Caldwell, Clarke, Cooke, Cox, Cummins, Davenport, Duncan (of Daviess) Eggleston, Fleming, Ford, Gaines, Garrison, Given, Grant, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Holman, Hornbeck, J. Hunter, Jamison, Love, Marshall, Moorman, M'Coun, M'Millan, Rice, Rowan, Shepard, Spillman, S. Stevenson, Stapp, Todd, Underwood, P. White, D. White and Wickliffe—44.

The said bill as amended, was then ordered to be engrossed and read a third time to-morrow.

A message from the senate by mr. Garrard.

*Mr. Speaker,*

The senate have passed a bill entitled, an act to amend the act entitled an act to reduce into one the several acts respecting the militia :

In which they request the concurrence of this house.

And then he withdrew.

The further consideration of the orders of the day being dispensed with :

Mr. Todd, read and laid on the table the following resolution, to-wit :

*Resolved*, By the general assembly of the commonwealth of Kentucky, That when they adjourn on Saturday the 21st day of the present month, they will adjourn until Monday, the 30th day of the same month.

And then the house adjourned.

THURSDAY, DECEMBER 19, 1816.

Mr. Blackburn, from the committee of propositions and grievances, made the following report, to-wit :

The committee of propositions and grievances have according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit :

*Resolved*, That so much of the petition of sundry citizens of Hardin county, as prays that the act of last session, to improve the navigable streams in this commonwealth, so far as it relates to the river Nolin, be repealed, *is reasonable*.

*Resolved*, That the petition of sundry citizens of Hardin and Barren counties, praying for the erection of a new county out of a part of each said counties, *be rejected*.

Which being twice read, the first resolution was concurred in, and the second laid on the table.

*Ordered*, That the said committee prepare and bring in a bill pursuant to the first resolution.

Mr. Ewing, from the select committee to whom was referred, a bill to admit a copy of the will of Samuel Drake, deceased, to record in the Jessamine county court; reported the same with an amendment, which being twice read, was concurred in.

*Ordered*, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. Goode, from the select committee to whom was referred, a bill authorizing Rudolph Neet, to build a mill-dam across Green River; reported the same with an amendment; which being twice read, was concurred in.

*Ordered*, That the said bill as amended be engrossed, and read a third time to-morrow.

Mr. Breckenridge, from the select committee appointed for that purpose, made the following report, to-wit:

The committee to whom was referred, a petition from sundry inhabitants of the counties of Fayette, Clarke, Mercer, Lincoln, Shelby, Scott and Harrison, praying that the legislature would purchase from Mr. Francis Hall, of the state of Tennessee, for the use of the citizens of this commonwealth, the patent right of said Hall, in a machine, for milling and preparing hemp and flax; having examined said machine, and inspected specimens of the prepared materials exhibited by the patentee, are of opinion, that the invention is one for which the inventor is entitled to credit, and that it may be useful in private families; your committee being of opinion, that the government ought not to enter into those kind of speculations, but leave them to individual enterprise, where so little capital is wanting: Wherefore, resolved, as the opinion of this committee, that it is inexpedient for the state to make said purchase.

Which being twice read, was concurred in.

Mr. M'Millan, from the joint committee appointed to examine into, and report upon the state of the register's office, made the following report, to-wit:

The joint committee appointed by both branches of the legislature, to examine the situation of the Register's office, have performed the duty assigned them, and beg leave to report:

That they find the grants which issued on surveys transmitted from Virginia, are recorded in sixteen volumes, with an alphabet. The surveys transmitted from Virginia, tied up in 272 bundles neatly, with new labels and an alphabet, recor-



ded in eleven volumes, with a complete alphabet, all new and in good order. The record of military warrants in two volumes with alphabets, new and in good order. A list of treasury warrants in two volumes, the record of preemption warrants, and a volume of warrants under the proclamation of 1763; the two latter have alphabets, and all in good order.—Two volumes of commissioners' certificates granted in 1779 and 1780, lately transcribed with alphabets, all new and in good order.

The committee find the original record book of surveys from Lincoln county, lodged in the Register's Office not bound nor in a situation to be bound. The sale books of non-residents' land for the year 1800, 1, 2 and 4, have a general alphabet entirely new and in good order; the books are somewhat worn but do not require transcribing. The books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, are recorded we find with alphabets, in good order. Two volumes in which surveys have been registered since 1792, in good order. The surveys are in 133 bundles, with new labels neatly tied up; the record of those surveys composes 14 volumes, not alphabeted; your committee therefore, recommend that the Register be directed to make out alphabets for them. The bundles of surveys are alphabeted and in good order.

The grants issued on treasury warrant surveys since 1792, are recorded in 18 volumes, in good order, to which there is an alphabet much worn and represented as very incorrect, it is therefore recommended that the register be directed to make out another complete alphabet to those 18 volumes. The surveys upon head right claims are registered in 3 volumes, with two alphabets in good order, except interlineations occasioned by transfers. The head right plats and certificates filed in 268 bundles newly labeled and neatly tied up, recorded in 12 volumes, in good order; it is requisite to alphabet those 12 volumes. Grants issued thereon recorded in 20 volumes, with an alphabet, all in good order. Land warrants issued under the act of 1800, by this state, the surveys and grants on the same, as also the Tellico surveys and grants we find in two volumes with alphabets, in good order, and one volume in which those surveys have been registered in like order. The originals neatly tied up in bundles with new labels.

One volume of surveys under the proclamation of 1763, with a new alphabet, both in good order. Two volumes of commissioners' books of 1796, and three of 1798, in good order, one of which is newly transcribed. Anderson's and Croghan's books of entries in good order, with alphabets.—

The copy of Lincoln entries, in bad order, and the transcript is represented to your committee as being very incorrect, and that the original record of entries in the surveyor's office of said county of Lincoln, are so mutilated, that a short time may prevent a correct transcript from being obtained. Your committee recommend that the Register be directed and authorized to procure a complete and accurate copy of said original books, with an index to the same, under fashion of the alphabet to May's entries, which we find transcribed in five volumes, in good order, to which are two alphabets on an improved plan, new and in good order. One volume of Green's deputy register of surveys made previous to 1792, we find in tolerable order: one volume of relinquishments in good order. A list of Kentucky land warrants in one volume, under an act of 1814, and a record of the same in one volume.—Thirteen bundles of surveys registered in one volume.—Grants issued thereon recorded in one volume, all in good order. Three volumes in which caveats have been recorded in good order; one volume of commissioners' certificates granted in 1780, &c. with an alphabet, in good order. Your committee recommend that provision be made to pay the Register a reasonable allowance for the services herein required of him, so soon as the same or any one part be completed.

Your committee would further report, that the house allotted to the Register of the Land-Office, is quite too small to contain the furniture, books and papers and leave room to transact business, and recommend that such steps may be taken as will enlarge the same.

*From the senate.*

JOHN LANCASTER.  
BENJAMIN SOUTH.

HUMPHREY JONES,

*From the House of Representatives.*

WILLIAM M'MILLAN,  
LIBERTY GREEN,  
GEORGE HELM,  
FRANCIS H. GAINES.

JAMESON HAWKINS,  
ROBERT GILMORE,  
DAVID HART.  
RICHARD BARBOUR.

Which was received, and read.

On motion,

*Ordered,* That messrs. Blackburn and J. Jones, be added to the committee appointed to prepare and bring in a bill for appropriating the vacant lands in this commonwealth; and that mr. J. Hunter be added to the committee to whom was referred that part of the lieutenant governor's message, which relates to navigation, &c.

The following bills were reported from the several committees appointed to prepare and bring in the same.

By Mr. Rowan, from the committee for courts of justice—1st, a bill providing for a change of venue, in the case of Armistead Churchill. By Mr. M'Coun—2nd, a bill for the benefit of the heirs of John M'Afee; and by Mr. Todd,—3rd a bill to amend an act entitled an act regulating certain surveys in this commonwealth:

Which bills were severally received, and read the first time, and ordered to be read a second time.

The house then took up a resolution for a recess of the general assembly, which was laid on the table on yesterday, and which was twice read; and the question being taken on adopting the said resolution, it passed in the negative.

The yeas and nays being required thereon, by messrs. Helm and South, were as follows, to-wit:

Yeas—Messrs. Armstrong, Barbour, Birney, Carson, Clarke, Coburn, Cotton, Cox, Cunningham, Duncan (of Daviess) Gaines, Grant, Hart, Hawkins, Hickman, Holman, Hornbeck, Hunter, Jamison, H. Jones, Irvine, Love, Marshall, Metcalfe, Mills, Moorman, M'Coun, Owings, Rowan, Rudd, Todd, Trigg, True, Wall, P. White, Woods and Yantis—37.

Nays—Mr. Speaker, messrs. Barrett, Blackburn, Booker, Breckenridge, Caldwell, Cooke, Cummins, Dallam, Davidson, Davis, Dollerhide, Duncan, (of Lincoln) Eggleston, Ewing, Fleming, Ford, Gaither, Garrison, Gilmore, Given, Goode, Green, Grundy, Harrison, Helm, Hopson, J. Jones, Lackey, Logan, Mercer, Monroe, M'Hatton, M'Millan, Parker, Reeves, Rice, Robertson, Shepard, Slaughter, South, Spillman, S. Stevenson, Stapp, T. Stephenson, Turner, Underwood, Ward, D. White and Wickliffe—59.

Mr. Blackburn, from the majority on the foregoing question, moved for a re-consideration of the foregoing vote; and the question being taken on granting such re-consideration it passed in the affirmative.

The said resolution being amended by striking out the words, "*Saturday the 21st,*" and inserting in lieu thereof, the words, "*Tuesday the 23d,*" and striking out "*Mondy the 30th,*" was laid on the table.

A bill from the senate entitled, an act to amend the act entitled an act to reduce into one the several acts respecting the militia, was read the first time, and ordered to be read a second time,

And thereupon the rule of the house and second reading

of the said bill being dispensed with, the same was committed to the committee to whom was referred so much of the governor's message as relates to that subject.

Mr. Shepard read and laid on the table the following resolution, to-wit :

*Resolved*, That a joint committee to consist of                      from the senate, and                      from the house of representatives, be appointed to examine whether any and if any, what repairs are necessary to be made to the house and lot occupied by the lieutenant governor, and whether any and if any, what change, or addition is necessary to be made in regard to the furniture belonging to said house that has been purchased under any appropriation made by the legislature; and if any repairs, &c. should in the opinion of such committee be necessary, that they state what in their opinion will be the probable expence, and report, &c.

Mr. Helm, read and laid on the table the following resolution, to-wit :

*Resolved*, By the general assembly of the commonwealth of Kentucky, That we declare the right to tax the United States' Bank Stock, and that of its stock holders in the same ratio as we do the stock holders of the bank of Kentucky, should the president and directors of said bank think proper to establish a branch in this commonwealth.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker*,

The senate have passed bills of the following titles :

An act to amend the several acts regulating appeals ; an act authorizing the trustees of the town of Maysville, to sell their public ground ; an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county ; an act for the benefit of the sheriff of Caldwell county ; an act to incorporate the Henderson library company ; and an act to legalize certain proceedings of the Warren seminary :

In which bills they request the concurrence of this house. And they have passed bills which originated in this house of the following titles : an act for the relief of Sarah Burriess ; and an act to incorporate the trustees of the Allen seminary.

And then he withdrew.

The following bills were severally read a second time, to-wit :

1st. A bill authorizing the Floyd county court to sell part of their public ground ; 2nd, a bill to alter the mode of taking in the lists of taxable property in this commonwealth ; 3rd, a bill to subject the equitable titles to land to sale under exe-



cution in certain cases ; 4th, a bill to provide for the sale of part of the public ground in the town of Hopkinsville ; 5th, a bill for the relief of Nehemiah Cravens ; 6th, a bill to amend the penal laws of this commonwealth ; 7th, a bill further to regulate the Greenville seminary ; 8th, a bill for the benefit of the widow and heirs of Joseph Laswell, deceased ; 9th, a bill for the benefit of Sarah Allen Tharpe, and the heirs of Wm. A. Tharpe, deceased ; and 10th, a bill for the benefit of Esther Smiley.

The first, fourth, fifth, seventh, ninth & tenth bills, were severally ordered to be engrossed and read a third time to-morrow—The second was committed to a committee of the whole house on the state of the commonwealth—The sixth to a select committee of messrs. Blackburn, Mills, Helm, Reeves, Parker, M'Millan, Hawkins, Holman, and Logan—The eighth to a select committee of messrs. South, Duncan (of Lincoln) Marshall & P. White; the question being taken on engrossing the third bill, and reading it a third time, it passed in the negative, and so the said bill was rejected.

A bill from the senate entitled, an act for the benefit of John Francis and Richard Slavey ; and John Barnett and his associates ; and a bill entitled, an act for the relief of William and Evan Doweess :

Were severally read a second time, and ordered to be read a third time to-morrow.

Bills from the senate of the following titles :

1st. An act to establish and regulate the town of Campbellsville, in Green county ; 2nd, an act to alter the time of holding the county and circuit courts of Casey county ; 3rd, An act more effectually to secure the navigation of the Beech and Rolling forks of Salt river ; 4th, an act for the relief of Taylor and George Noel, and 5th, an act establishing a town on the Jefferson seminary lands :

Were severally read the first time, and ordered to be read a second time :

And thereupon the rule of the house, and second reading of said bills being dispensed with, the first and fifth bills, (the fifth being amended) were ordered to be read a third time; the second was referred to a select committee of messrs. Underwood, Mills, Lackey, Goode, D. White, Todd, Logan, Green and Gaither—the third to a select committee of messrs. Rudd, Harrison, Ewing, Rowan and Booker; and the fourth to the committee for courts of justice.

And thereupon the rule of the house and third reading of the first and fifth bills being dispensed with :

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That Mr. Hunter carry the said bills to the senate, and request their concurrence in the amendment proposed to the latter bill.

And then the house adjourned.

#### FRIDAY, DECEMBER 20, 1816.

The following bills were reported from the several committees appointed to prepare and bring in the same :

By mr. Rowan, from the committee for courts of justice—1st, a bill to establish a new judicial district, and to alter the time of holding the circuit court in the county of Fayette. By mr. Hunter—2d, a bill to establish an Independent Bank at Louisville: And by mr. Marshall—3d, a bill for the benefit of the estates of David Neiss and George Thompson, deceased :

Which bills were severally received and read the first time, and ordered to be read a second time.

A message from the senate by mr. Owens :

*Mr. Speaker*,

'The senate have passed a bill entitled, an act for the relief of Andrew Barrett.

In which they request the concurrence of this house. And then he withdrew.

Mr. Helm from the select committee to whom was referred a bill to amend the act for the benefit of actual settlers ; also to amend the act appropriating the vacant lands of this commonwealth, reported the same with an amendment ;

Which being twice read, was concurred in.

*Ordered*, That the said bill as amended be committed to a select committee of messrs. Rowan, Blackburn, Monroe, Logan, Dallam and Lackey.

The house took up a bill from the senate entitled, an act for the relief of Andrew Barnett :

Which was read the first time and ordered to be read a second time :

And thereupon the rule of the house and second and third readings of said bill being dispensed with ;

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Green inform the senate thereof.

Mr. Fleming from the joint committee of enrollments reported that the committee had examined enrolled bills which originated in this house of the following titles :

An act to incorporate the trustees of the Christian Academy; and an act for the relief of Sarah Burris; and a resolution to wear crape as a testimony of respect to the memory of the late governor, George Madison, and had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That Mr. Fleming inform the senate thereof.

Mr. Logan read and laid on the table the following resolutions, to-wit:

Whereas the citizens of the United States possess the inalienable right of navigating the great waters which communicate with the ocean, and the high destiny to which the author of nature seems to invite the people of these states, depends upon the security of that right from all violation; and the honor as well as dignity of every state command her to defend with vigilance, the rights of those subject to her sovereignty.

1. Be it therefore resolved, by the general assembly of the commonwealth of Kentucky, That they have viewed with the deepest concern, the violation of the right guaranteed by the federal constitution and the laws of congress, to navigate the river Mississippi in the seizure of the steam boat *Enterprise* under the pretended authority of a law enacted by the legislature of the late territory of Louisiana.

2. *Resolved*, That they will maintain inviolate by all legitimate means, the rights of her citizens to navigate said river and its tributary streams.

3. *Resolved*, That the governments of Pennsylvania, Virginia, Tennessee, Ohio, Louisiana, and Indiana, be respectfully requested to co-operate with this, to prevent by appropriate means, the recurrence of an evil so much to be deprecated.

4. *Resolved*, That our senators and representatives in congress be requested to exert themselves to procure the adoption of such measures as they may deem best calculated to secure the navigation of the said river.

*Resolved*, That the lieutenant governor, acting as governor be requested to transmit to the governors of Pennsylvania, Virginia, Tennessee, Ohio, Louisiana and Indiana, and to our senators and representatives in congress, each a copy of the above resolutions.

And thereupon the rule of the house being dispensed with, the said resolutions were taken up, twice read, and the first and second resolutions concurred in.

Mr. Rowan then moved to lay the said resolutions on the table for the present: and the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Logan and Hunter, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Armstrong, Barrett, Blackburn, Caldwell, Clarke, Coburn, Cooke, Cox, Cummins, Cunningham, Dallam, Davidson, Dollerhide, Duncan, (of Davies) Duncan, (of Lincoln) Gaither, Given, Grant, Harrison, Hawkins, Helm, Hickman, Holman, J. Jones, H. Jones, Irvine, Lackey, Marshall, Motealfe, Mills, Monroe, M'Coun, Reeves, Rice, Rowan, Rudd, Shepard, Slaughter, South, Spillman, S. Stevenson, Stapp, Trigg, P. White, Woods and Yantis—47.

Nays—Messrs. Barbour, Booker, Bowman, Breckenridge, Carson, Cotton, Davenport, Davis, Eggleston, Ewing, Fleming, Ford, Gaines, Garrison, Green, Grundy, Hopson, Hunter, Jamison, Logan, Mercer, M'Hatton, M'Millan, Parker, Robertson, T. Stevenson, Todd, Truc, Turner, Underwood, Wall, Ward, D. White and Wickliffe.—34.

Mr. Underwood read and laid on the table, the following resolution, to-wit :

A resolution relative to the extinguishment of the Indian title to certain lands in this commonwealth.

Whereas there is a tract of country considerable in extent, lying within the limits of this state and surrounded by the Tennessee, Ohio, and Mississippi rivers, and the Tennessee state line, to which the Indian title has not yet been extinguished, and which if owned by this state would greatly conduce to its interests: And whereas many of the claims of the officers and soldiers of the Virginia continental line for services rendered during the revolution, have been located within the said tract of country, and which claims, justice requires should be confirmed, and as the commonwealth of Virginia has been liberal in granting all her lands northwest of the Ohio river, to the general government: Therefore, resolved by the general assembly of the commonwealth of Kentucky, that our senators and representatives in congress, be requested to use their utmost exertions to procure the extinguishment of the Indian title to the said tract of country, at the expense of the United States and this state. The United States to contribute in the proportion that the military claims in said tract of country bear to the whole quantity; and this state in the proportion that the unappropriated land bears to the whole quantity, estimating the whole quantity of land in said tract of country, at 1,000,000 of acres.

Resolved, That the faith of this state be pledged to contribute her proportion of the expence, should Congress pass a



law for the extinguishment of the Indian title to said tract of country, upon the above terms.

*Resolved*, That the lieut. governor be, and he is hereby requested to transmit copies of the foregoing preamble and resolutions to each of our senators and representatives in congress.

A message from the senate by mr. Simrall:

*Mr. Speaker,*

The senate have adopted the following resolution:

IN SENATE, December 20, 1816.

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That when they adjourn on Saturday the 21st, they will adjourn until Thursday the 26th instant.

*Extract, &c.*

*All.*

WILLIS A. LEE, C. S.

In which they request the concurrence of this house. And then he withdrew.

The said resolution was then taken up and twice read:

And the question being taken on concurring in said resolution, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Dallam and Rowan, were as follows, to-wit:

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Caldwell, Carson, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Davidson, Duncan (of Daviess) Eggleston, Ford, Gaines, Grant, Hawkins, Hickman, Holman, Hunter, Jamison, H. Jones, Irvine, Logan, Love, Marshall, Metcalf, Mills, McCoun, McMillan, Owings, Parker, Rowan, Rudd, Slaughter, Todd, Trigg, True, Wall, P. White, Woods and Yantis—43.

Nays—Messrs. Barrett, Blackburn, Booker, Breckenridge, Clarke, Dallam, Davenport, Davis, Dollerhide, Duncan (of Lincoln) Ewing, Fleming, Gaither, Garrison, Given, Green, Grundy, Harrison, Hart, Helm, Hopson, J. Jones, Lackey, Mercer, Monroe, M'Hatton, Reeves, Rice, Robertson, Shepard, South, Spillman, S. Stephenson, Stapp, T. Stevenson, Turner, Underwood, Ward, D. White and Wickliffe—40.

*Ordered*, That mr. Mills inform the senate thereof.

Mr. Rowan from the select committee to whom was referred a bill to amend the act for the benefit of actual settlers; also to amend an act appropriating the vacant lands of this commonwealth, reported the same with an amendment.

*Ordered*, That the said bill and amendment be laid on the table until the first Thursday in January next.

Mr. Rowan moved the following resolution, viz:

*Resolved*, That so much of the Lieutenant Governor's mes-

sage as relates to the improper practice of selling offices in this commonwealth, be referred to a select committee, with power to report by bill or otherwise :

Which being twice read, was concurred in ; and messrs. Rowan, Hawkins, Logan, Blackburn, McMillan, Todd and Owings were appointed a committee conformably thereto.

The house took up a bill to prevent the fraudulent practice of surveying or patenting lands, manifestly off and at a distance from entries or locations originally made, unless legally removed, as the law on that subject directs :

Which was read the first time, and ordered to be read a second time :

And thereupon the rule of the house and second reading of the said bill being dispensed with, the same was committed to a select committee of messrs. Reeves, Underwood, Cooke, Garrison, Hopson, Rowan, Mills, Blackburn and Given.

The house took up an engrossed bill entitled, an act to prevent the circulation of private notes in this commonwealth; which was laid on the table on the 16th inst.

*Ordered*, That the said bill be committed to a select committee of messrs. Mills, Harrison, Rowan, Logan, D. White, Marshall and Gaines.

Leave was given to bring in the following bills :

On the motion of mr. Blackburn—1st, a bill to alter the time of the annual meeting of the legislature. On the motion of mr. Ewing—2d, a bill to establish a ferry across Green River on the lands of Reuben and Urbin Ewing, below Morgan town, in Butler county. On the motion of mr. Monroe—3d, a bill to incorporate the Green river Iron manufacturing company. On the motion of mr. Dallam—4th, a bill to increase the capital of the state bank : And on the motion of mr. Davis—5th, a bill authorizing a lottery to raise a sum of money to remove the obstructions in Green river, and to improve the navigation of the same.

Messrs. Blackburn, South, Owings, McHatton, Ewing, Green, Yantis and Cunningham were appointed a committee to prepare and bring in the first ; messrs. Ewing, Reeves, Davis and Marshall, the second ; messrs. Monroe, Cummins, Marshall and Gaither, the third ; messrs. Dallam, Yantis, Spillman, Helm and Monroe, the fourth, and messrs. Davis, Wickliffe, Underwood, Cooke and Cummins, the fifth.

And then the house adjourned.

SATURDAY, DECEMBER 21, 1816.

The petition of Samuel Ewing, administrator of Samuel Ewing, decd. representing that his intestate in the year 1801, acted as sheriff of Mercer county, and that a part of the lists of taxable property, for the year 1800, was taken in the county court, and not in the ordinary way, by the assessor; which list, so taken, was transmitted to the Auditor of Public Accounts, but never placed in the hands of the sheriff for collection; that the sheriff has been charged with the amount of said list, and a judgment obtained against one of the intestates securities, and praying legislative relief.

The petition of Gabriella Misner and others, of the state of Ohio, praying legislative permission to sell certain lands belonging to them, lying in the county of Mercer, for the benefit of the heirs of Gabriel Jones, decd.

The petition of sundry citizens of Knox county in behalf of Mary Ward, representing that she is a widow, and has several small children, and has settled upon a piece of land of inferior quality, and is unable to pay therefor, praying that the legislature will grant to said Mary the quantity of 50 acres or more, including the place whereon she lives, without paying the state price therefor.

The petition of William I. Mays, guardian for the infant heirs of William Morgan, decd. representing that they are seized of sundry tracts of land in Floyd county, and praying that a law may be passed authorizing him to sell said land under certain restrictions, and invest the proceeds in bank stock:

Were severally received, read and referred, the 1st and 2d to a select committee of messrs. Birney, M'Coun and Underwood; the 3rd to a select committee of messrs. H. Jones, Blackburn, Ewing and M'Millan, and the 4th to a select committee of messrs Lackey, Fleming, Shepard and South, giving said committees leave to report by bills or otherwise.

Mr. Underwood from the joint committee of enrollments reported that the committee had examined an enrolled resolution for a recess of the General Assembly, and enrolled bills of the following titles:

An act to establish election preeincts in the counties of Washington, Knox, Fleming and Lewis; and an act for the relief of Andrew Barnett, and had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

Ordered, That mr. Underwood inform the senate thereof.

Mr. Ewing presented a petition from sundry inhabitants of Logan, Allen and Warren counties, praying that a new county may be erected out of a part of each; but no notices accompanying the same, the petitions were rejected.

Mr. Underwood from the joint committee of enrollments reported that the committee did on this day deposit in the office of the secretary of state, for the approbation and signature of the governor, enrolled bills and resolutions of the following titles:

A resolution for a recess of the General Assembly; an act establishing an election precinct in the counties of Washington, Knox, Fleming and Lewis; an act for the relief of Sarah Burriss; an act to incorporate the trustees of the Christian Academy, and a resolution to wear crape as a testimony of respect to the memory of the late governor, George Madison.

The following bills were reported from the several committees appointed to prepare and bring in the same.

By mr. Blackburn—1st, a bill to alter the time of the annual meeting of the legislature. By mr. Underwood—2d, a bill to authorize the trustees of the town of Bowling Green to levy and collect a tax, not exceeding two hundred dollars. By mr. Birney—3d, a bill for establishing the town of Perryville; and by mr. Ewing—4th, a bill for the relief of Sally W. Boler:

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and the second reading of the second and third bills being dispensed with, the same were ordered to be engrossed and read a third time on Thursday the 26th inst.

A message from the senate by mr. Parks:

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act for the relief of Archelaus Vanhook, late sheriff of Nicholas county. And then he withdrew.

The house took up a resolution appointing a joint committee to examine and report what repairs are necessary to be made governor's house, which was laid on the table on the 19th instant:

Which being twice read, and the first blank in the resolution filled with the word "two," and the second with the word "four," was concurred in.

*Ordered,* That messrs Shepard, South, Blackburn and McMillan be appointed a committee conformably thereto, on the part of this house.



*Ordered*, That Mr. Shepard carry the said resolution to the senate, and request their concurrence.

A message from the lieutenant governor by mr. Pope, his secretary:

*Mr. Speaker,*

The lieutenant governor did this day approve and sign enrolled bills which originated in this house of the following titles:

A resolution to wear crape as a testimony of respect to the memory of the late governor, George Madison; and an act for the relief of Sarah Burriss. And then he withdrew.

A message from the senate by mr. Yancey:

*Mr. Speaker,*

The senate have passed a bill entitled, an act for the relief of John McFerren sheriff of Barren county.

In which they request the concurrence of this house. And then he withdrew.

The said bill was then taken up and read the first time, and ordered to be read a second time.

Leave was given to bring in the following bill:

On the motion of mr. Helm—a bill to regulate the fees of constables in this commonwealth; and messrs. Helm, T. Stevenson, Hopson, Stapp and Blackburn were appointed a committee to prepare and bring in said bill.

A bill from the senate entitled, an act for the relief of William and Evan Dewees, was read a third time:

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Slaughter inform the senate thereof.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate concur in the amendment proposed by this house to the bill from that entitled, an act establishing a town on the Jefferson Seminary lands; and they have passed bills of the following titles:

An act to alter the time of meeting of the General Assembly; an act for the benefit of John A. Markley; an act for an election precinct in the county of Livingston; an act relative to changing of venue in civil cases; an act to regulate the town of New-Castle, in Henry county, and an act for the relief of of Frank Spillman, late sheriff of Campbell county:

In which they request the concurrence of this house. And then he withdrew.

And then the house adjourned.

## THURSDAY, DECEMBER 26, 1816.

The speaker took the chair, but a quorum not appearing, the house adjourned.

## FRIDAY, DECEMBER 27, 1816.

The Speaker took the chair, but there did not appear a sufficient number of members present to form a quorum.

Mr. Marshall, at 45 minutes after ten o'clock, A. M. moved for an adjournment.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Green and Bowman, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Blackburn, Booker, Bowman, Breckenridge, Caldwell, Cummins, Dallam, Davenport, Davis, Eggleston, Ford, Given, Hunter, Marshall, Mercer, Monroe, M'Coun, M'Hatton, Reeves, Robertson, Shepard, Slaughter, S. Stevenson, T. Stephenson, Underwood, P. White and Wickliffe—25.

Nays—Messrs. Fleming, Garrison, Green, Helm, Hopson, Lackey, Parker and Turner—8.

## SATURDAY, DECEMBER 28, 1816.

The Speaker took the chair, but a quorum not appearing, An adjournment took place until Monday next.

## MONDAY, DECEMBER 30, 1816.

The petition of the relatives of Joseph Frederick, deceased, of Jefferson county, remonstrating against the application of Armistead Churchill, for a change of venue on a charge of murdering the said Joseph Frederick :

(And together with the evidence taken before the magistrates on his trial) ; was received, read, and laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same :

By mr. Underwood—1st, a bill to authorize certain lotteries in this commonwealth. By mr. Monroe—2nd, a bill to increase the capital of the Bank of Kentucky. By mr. Marshall—3rd, a bill to incorporate the Frankfort Lock

Navigation Company; and by mr. Underwood—4th, a bill for the relief of Isaac Greathouse:

Which bills were severally received, and read the first time, and ordered to be read a second time: And thereupon the rule of the house and second reading of the 3rd bill being dispensed with, the same was committed to a committee of the whole house on the state of the commonwealth.

*Ordered*, That the public printers forthwith print 130 copies of said bill for the use of the members of this house.

Mr. Underwood, from the select committee appointed for that purpose, made the following report, to-wit:

The select committee to whom the petition of Mary K. Baskerville and Martha Baskerville was referred, have had the same under consideration, and have come to the following resolution, to-wit:

*Resolved*, That the petition of Mary K. Baskerville and Martha Baskerville, *be rejected*.

Which being twice read, and amended by striking out the words, *be rejected*, and inserting in lieu thereof the words, *is reasonable*, was concurred in.

*Ordered*, That the said committee prepare and bring in a bill pursuant to the said resolution.

Mr. Ewing, read and laid on the table the following resolution, to-wit:

*Resolved*, By the general assembly of the commonwealth of Kentucky, That *we cherish with pleasure the expectation that Commodore Barney will take up his residence in Kentucky, and as the opinion of this house, that he eminently deserves the thanks of the free-men of Kentucky for his manly and gallant conduct in the late war.*

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and amended to read as follows, to-wit:

*Resolved*, By the general assembly of the commonwealth of Kentucky, that Commodore Joshua Barney, eminently deserves the thanks of the free-men of Kentucky, for his gallant conduct in the late war.

Mr. Rowan, then moved the following preamble and resolution, in lieu of the said original resolution as amended, to-wit:

The arrival of Commodore Joshua Barney, in Kentucky at this time, revives in our recollection the distinguished services of that gallant officer during the late war, and particularly at Bladensburg; wherefore, resolved by the legislature of Kentucky, that the military conduct and achievements of

that gentleman during the late war, and the aforesaid memorable occasion, deserves, and has the admiration of the legislature of Kentucky.

Which being twice read, was concurred in.

The said resolution as amended, was then *unanimously* adopted.

*Ordered*, That mr. Ewing carry the said resolution to the senate, and request their concurrence.

Leave was given to bring in the following bills :

On the motion of mr. Marshall—1st, a bill for the better regulation of the town of South Frankfort ; and on the motion of mr. Todd—2nd, a bill concerning the keeper's of ferries on the Ohio river.

Messrs. Marshall, P. White and Eggleston, were appointed a committee to prepare and bring in the first ; and messrs Todd, Rice, D. White, Given, Logan and Barbour, the second.

Mr. Underwood, from the joint committee of enrollments, reported that the committee did on the 21st instant, deposit in the office of the secretary of state, for the approbation and signature of the lieutenant governor, an enrolled bill entitled, an act for the relief of Andrew Barnett.

On the motion of mr. Ewing :

*Ordered*, That the committee of the whole house on the state of the commonwealth, be discharged from further consideration of a bill, further to regulate the payment of the debt due the commonwealth, for the sale of vacant lands.

The said bill was then taken up again, read, amended, and with the amendments, ordered to be engrossed and read a third time to morrow.

A bill from the senate entitled, an act for the benefit of John Francis and Richard Slavey, and Joseph Barnett and his associates :

Was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Metcalfe, inform the senate thereof.

Engrossed bills of the following titles :

1st, An act to authorize the editor of the newspaper entitled, The National Pulse, to insert certain advertisements in said paper ; 2nd, an act for the relief of Joseph Woods ; 3rd, an act for the relief of Catharine Bodine ; 4th, an act to amend an act concerning *venire* men in this commonwealth ; 5th, an act prolonging the time of improving the lots in the town of Lebanon, in Washington county ; 6th ; an act con-



cerning commonwealth's attornies; 7th, an act adding a part of Bourbon county to the county of Nicholas:

Were severally read, a third time.

*Resolved*, That the second, third, fourth, fifth and seventh bills do pass, and that the titles be as aforesaid.

*Ordered*, That mr. Metcalfe carry the said bills to the senate, and request their concurrence.

*Ordered*, That the first bill be re-committed to a select committee of messrs. Yantis, Marshall, P. White and Wall; and that the sixth be laid on the table.

An engrossed bill entitled, an act for encouraging the importation of goods by the port of New Orleans; was read a third time, and the blanks therein filled.

And the question being taken on the passage thereof, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Harrison and Helm, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Blackburn, Booker, Bowman, Breckenridge, Caldwell, Carson, Cooke, Cox, Cummins, Cunningham, Dallam, Davis, Dolerhide, Duncan (of Daviess) Duncan (of Lincoln,) Eggleston, Ewing, Fleming, Ford, Gaines, Garrison, Given, Grundy, Harrison, Hart, Helm, Holman, Hunter, J. Jones, H. Jones, Logan, M'Coun M'Hatton, M'Millan, Parker, Reeves, Rice, Rowan, Rudd, Shepard, Spillman, S. Stephenson, Stapp, Todd, Turner, Underwood, P. White, D. White, Wickliffe and Woods—52.

Nays—Messrs. Barrett, Birney, Cotton, Davidson, Gilmore, Goode, Green, Hickman, Hopson, Jamison, Irvine, Lackey, Marshall, Metcalfe, Monroe, Robertson, Slaughter, South, True, Wall, Ward and Yantis—22.

*Ordered*, That the title of the bill be as aforesaid; and that mr. Harrison, carry the said bill to the senate, and request their concurrence.

And then the house adjourned.

## TUESDAY, DECEMBER 31, 1816.

William R. Wier, Esq. a member returned to serve in this house, from the county of Hopkins, appeared, produced a certificate of his election, and of his having taken the oaths required by the constitution and laws of this commonwealth, and took his seat.

The petition of the executors of David Johnson, deceased, of Lewis county, praying legislative permission to sell a

part of a tract of land belonging to the estate of said deceased.

The petition of the administrators of Joseph Dupuy, deceased, of Henry county, praying that a law may pass, authorizing them to sell some of the real estate of said deceased, for the payment of his debts, and to carry more completely into effect the act of the last session of the legislature for the benefit of said estate.

The petition of sundry citizens of the town of Transylvania, in Jefferson county, praying that a law may pass, authorizing the appointment of a justice of the peace in said town.

The petition of sundry citizens of Barren county, counter to those presented at former days of the session, praying that new counties may be formed out of a part of Barren & Cumberland counties, and of the counties of Barren & Hardin.

The petition of sundry citizens of Mercer county, praying that a law may pass, authorizing a sale of part of the public ground in the town of Harrodsburg.

The petition of sundry citizens of Pulaski county, praying that a part of said county, may be added to the county of Wayne.

The petition of sundry citizens of Wayne county, praying that a part of said county, may be added to the county of Pulaski : and

A petition counter to the two last.

And the petition of sundry citizens of Boone county, representing that they have associated themselves into a company for the purpose of erecting a steam mill in said county, on the Ohio river, and praying an act of incorporation :

Were severally received, read, and (with the exception of the fourth) referred : the first and second to a select committee of messrs. Cox, Shepard, M'Hatton, P. White, Rice and Underwood; giving said committee leave to report by bills or otherwise ; the third to the committee for courts of justice ; the fifth to a select committee of messrs. M'Coun, Birney and Booker ; the sixth, seventh and eighth, to a select committee of messrs. Dollerhide, Blackburn, James Jones, Gilmore, Logan and Robinson ; and the ninth to a select committee of messrs. Todd, D. White, Hawkins and Rowan ; giving said committees leave to report thereon, by bills or otherwise ; and the fourth was laid on the table.

A message from the lieutenant governor, by mr. Waggoner :

*Mr. Speaker.*

I am directed by the lieutenant governor to return to this

house an enrolled bill which originated therein, entitled, an act to incorporate the trustees of the Christian academy, with his objections thereto in writing.

And then he withdrew.

A message from the senate by mr. Yancey :

*Mr. Speaker,*

The senate have adopted resolutions proposing an article of amendment to the constitution of the United States.

In which they request the concurrence of this house.

And then he withdrew.

Mr. Yantis, from the select committee to whom was referred, an engrossed bill entitled, an act authorizing the editor of the newspaper entitled, The National Pulse, to insert certain advertisements in said paper, reported the same with amendments; which being severally twice read, were concurred in.

*Ordered,* That the said bill as amended be re-engrossed, and again read a third time to-morrow.

On the motion of mr. Bowman :

*Ordered,* That leave be given to bring in a bill to allow an additional justice of the peace to the county of Cumberland; and that messrs. Bowman, Barrett, Monroe, D. White, and Fleming, be appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Marshall—1st, a bill for the better regulation of the town of South Frankfort. By mr. Bowman—2nd, a bill to amend an act for the regulation of certain towns in this commonwealth. By mr. Parker—3rd, a bill to authorize the transcribing certain entry books in the surveyor's office of Fayette county ; and by mr. Underwood—4th, a bill for the relief of Mary K. Baskerville, and Martha Baskerville ;

Which bills were severally received, and read the first time, and ordered to be read a second time.

An engrossed bill entitled, an act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands, was read a third time.

And the question being taken on the passage of the said bill, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Cunningham and Green, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Barbour, Barrett, Birney, Blackburn, Bowman, Breckenridge, Carson, Coburn, Cooke, Cotton, Cox, Cummins, Dallam, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Fleming, Gai-

ther, Garrison, Gilmore, Given, Goode, Green, Hawkins, Helm, Hopson, Holman, Hunter, J. Jones, H. Jones, Lackey, Logan, Love, Marshall, Mercer, Metcalf, Monroe, M'Coun, M'Millan, Parker, Reeves, Robertson, Rowan, Radd, Shepard, Slaughter, S. Stephenson, Stapp, Turner, Underwood, Wall, Ward, P. White, Wickliffe and Yantis—59.

Nays—Messrs. Armstrong, Booker, Caldwell, Cunningham, Davenport, Eggleston, Ford, Grundy, Harrison, Hart, Hickman, Jamison, Irvine, M'Hatton, Rice, South, Spillman, Todd, True, D. White, and Woods—21.

*Ordered*, That the title of said bill be as aforesaid; and that Mr Ewing, carry the same to the senate, and request their concurrence.

And then the house adjourned.

### WEDNESDAY, JANUARY 1, 1817.

The petition of sundry citizens of Jessamine county, on behalf of Caty and Rosa Bennett, representing that the said Caty and Rosa, are the natural children of Thomas Bennett, deceased, who died intestate and without heirs, as they believe; that he acknowledged said children as his own in his lifetime; and praying that a law may pass, vesting the commonwealth's right of escheat in and to the real property of the said Thomas, in said children, and authorizing proceedings against the administrator of said Bennett for the recovery thereof:

Was received, read, and referred to the committee for courts of justice.

Mr. Mills from the select committee to whom was referred an engrossed bill entitled, an act to prevent the circulation of private notes in this commonwealth; reported the same with sundry amendments; which being severally twice read, were concurred in.

*Ordered*, That the said bill with the amendments be engrossed, and again read a third time to-morrow.

The house took up a resolution adopted by the committee of propositions and grievances, which was laid on the table on the 19th ultimo, on the subject of a petition of the citizens of Hardin and Barren counties, for the formation of a new county out of a part of each of said counties; which being twice read, was concurred in.

The house took up an engrossed bill entitled, an act to incorporate the trustees of the Christian Academy, and the governor's objections thereto; which were read as follows, to-wit:



*An act to incorporate the trustees of the Christian Academy.*

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky, That* Rezin Davidge, Peter Ferguson, Edward Bradshaw, John Clarke, Ferdinand Wadlington, Benjamin H. Reeves, John Bryan, John D. Patton, and Charles Caldwell, gentlemen, be, and they are hereby constituted a body politic and corporate, to be known by the name of the Christian Academy, and by that name shall have perpetual succession, and a common seal, with power to alter or change at pleasure, and as a body corporate, shall be authorized to exercise all the powers and privileges that are now enjoyed by the trustees of any academy or seminary of learning in this state. And on the death, resignation, or other disqualification of any of the trustees as aforesaid, or their successors, a majority of the remaining trustees, shall fill such vacancy; and the person so appointed, shall be vested with the same power and authority as if specially named in this act. And by the name and style of the trustees of the Christian academy, may sue and be sued, plead and be impleaded, or may be sued and impleaded in any court of law or equity, or before any tribunal having cognizance of the same.

Sec. 2. The said trustees and their successors, shall have power in their corporate capacity, to purchase or receive by donation, any lands, tenements, hereditaments, monies, rents, goods and chattels; and to hold the same by the name aforesaid, to them and their successors forever, for the use of said academy; and to sell, alien or transfer any such lands, goods and chattels, and apply the proceeds to the use and benefit thereof. Also to dispose of all the lands heretofore, or hereafter appropriated for the benefit of seminaries according to existing laws.

Sec. 3. The person first named herein, or in his absence, or refusal to act, the next shall notify the time and place for the first meeting of the trustees; and on the attendance of a majority thereof, they shall severally take an oath to be administered by some justice of the peace, well and truly to execute the duties of their office; and thereafter the board may be called by the chairman, or by any two of the trustees. The said trustees shall have power to adjourn from day to day, to make and ordain such bye-laws, rules and ordinances as they may deem proper, not inconsistent with the laws of this commonwealth. And moreover, to fix on a proper place for erecting the buildings for the said academy: *Provided, That* a majority of all the trustees shall be necessary

to attend on the making any contract, bye-laws, or fixing the permanent seat for the same.

Sec. 4. A majority of said trustees, shall have power to engage and employ a competent number of tutors and professors to the said academy, to fix their salaries, and the salary of their clerk; and also, the terms of tuition; and on the misconduct of any tutor, professor or student, may dismiss or expel such tutor, professor or student from the said academy. All acts or parts of acts coming within the purview of this act shall be and the same are hereby repealed.

JOHN J. CRITTENDEN.

*Speaker of the house of representatives.*

EDMUND BULLOCK,

*Speaker of the Senate.*

*Gentlemen of the House  
of Representatives,*

I return to you, a bill which originated in your house entitled, An act to incorporate the trustees of the Christian academy, with my objections.

The latter part of the second section of this bill, contains these expressions, "also to dispose of all the lands heretofore or hereafter appropriated for the benefit of seminaries, according to existing laws."

I presume it was not the intention of the legislature to authorize the trustees of that seminary, to sell and dispose of all the lands appropriated to all the seminaries of learning in this commonwealth: such a vestiture of authority in the trustees of a particular seminary, I think would be impolitic. Under this impression I have withheld my signature and return to you the bill for this error; which I suppose to have inadvertently crept in, to be corrected; with a respectful assurance, that I feel a readiness always to concur with you, in that and every other measure which contains a matured expression of your will.

GABRIEL SLAUGHTER.

*December 31st, 1816.*

And the question being put, shall the bill pass, the governor's objections notwithstanding? It was decided in the negative.

The yeas and nays being taken thereon, pursuant to the provision of the constitution, were as follow, to-wit:

Yeas—None.

Nays—Mr. Speaker, messrs. Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Can-

ningham, Dallam, Davidson, Davis, Dollerhide, Duñcan, (of Daviess) Duncan (of Lincoln) Eggleston, Ewing, Fleming, Ford, Gaines, Garrison, Gilmore, Goode, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hornbeck, Hunter, Jamison, H. Jones, Lackey, Logan, Love, Marshall, Mercer, Metcalfe, Mills, Moorman, Monroe, M<sup>c</sup> Coun, M<sup>c</sup> Hatton, M<sup>c</sup> Millan, Parker, Rice, Robertson, Rowan, Shepard, Slaughter, South, Spillman, Stapp, T. Stevenson, Todd, Trigg, True, Turner, Underwood, Wall, Ward, P. White, D. White, Wier, Woods and Yantis—78.

Leave was given to bring in the following bills:

On the motion of mr. Blackburn—1st, a bill concerning the town of Versailles. On the motion of mr. Metcalfe—2nd, a bill authorizing the county court of Nicholas, to dispose of the public ground in Ellisville; and on the motion of mr. Dallam—3rd, a bill further to regulate the Christian academy, and to amend the law establishing an academy in the county of Caldwell.

Messrs. Blackburn, T. Stevenson and Yantis, were appointed a committee to prepare and bring in the first; messrs. Metcalfe, South and Robertson, the second; and messrs. Dallam, Mills, Hopson, Metcalfe, Mercer and Reeves, the third.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate concur in a resolution from this house appointing a joint committee to examine and report what repairs are necessary to be made to the house and lot now occupied by the lieutenant governor; and, a resolution approbatory of the conduct of Commodore Joshua Barney, during the late war.

And they have passed a bill entitled, an act for the relief of the widows and heirs of William Harrell, John Stephens and William Harris:

In which they request the concurrence of this house. And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By mr. Mills—1st, a bill concerning clerks of courts in this commonwealth. By mr. Rudd—2nd, a bill to extend an act entitled, an act further to suspend law process in certain cases. By mr. Bowman—3rd, a bill to allow an additional justice of the peace, to the county of Cumberland; and by mr. Dallam—4th, a bill further to regulate the Christian aca-

Assembly, and to amend the law establishing an academy in the county of Caldwell :

Which bills were severally received, and read the first time, and ordered to be read a second time :

And thereupon the rule of the house and second reading of the first and fourth bills being dispensed with, the first was committed to a committee of the whole house, on the state of the commonwealth ; and the fourth was ordered to be engrossed and read a third time to-morrow.

A message from the senate by Mr. Ewing :

*Mr. Speaker,*

The senate have passed a bill entitled, an act to establish an election precinct in Mercer county :

In which they request the concurrence of this house.

And then he withdrew.

The house took up resolutions from the senate, proposing an article of amendment to the constitution of the United States ; which were twice read, as follows, to-wit :

IN SENATE, December 30, 1816.

*Resolved,* By the general assembly of the commonwealth of Kentucky, That the following amendment be proposed to the constitution of the United States, to-wit : That no law increasing the compensation of the senators and representatives in congress, shall take effect until an election for members of the house of representatives of the United States.

*Resolved,* That our senators in congress be instructed and our representatives requested to use their exertions to procure the passage of the foregoing amendment.

*Resolved,* That his excellency the lieut. governor of this commonwealth, be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in congress, and that he also transmit to the executives of the several states like copies, with a request to lay the same before the legislatures thereof, soliciting their exertions and co-operation in procuring the aforesaid amendment to be adopted, and made part of the constitution of the United States.

*Extract, &c.*

WILLIS A LEE, C. S.

The amendment therein proposed to the constitution of the United States, being amended by attaching thereto the words, "shall have intervened," the said resolutions were laid on the table.

On the motion of Mr. M'Millan :

*Ordered,* That an engrossed bill entitled, an act concern-



ing commonwealth's attornies, be taken up, and placed among the orders of the day.

And then the house adjourned.

#### THURSDAY, JANUARY 2, 1817.

The petition of sundry citizens of Warren county, counter to those presented at a former day of the session, praying that a part of Warren county may be added to the county of Barren, accompanied by sundry letters on the same subject : and

The petition of the trustees of the town of Russelville, praying that a law may pass, authorizing them to sell or exchange one of the streets of said town :

Were severally received, read, and referred : the former to the committee of propositions and grievances ; and the latter to a select committee of messrs. Ewing, Dallam, Reeves, Logan and Blackburn, giving said committee leave to report by bill or otherwise.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate have passed bills from this house of the following titles :

An act to amend an act concerning *venire* men in this commonwealth ; an act prolonging the time of improving the lots in the town of Lebanon, in Washington county ; an act to incorporate the Allen seminary ; an act for the relief of Joseph Wood ; and an act for the relief of Catharine Bodine ; with an amendment to the latter ; and they have passed a bill entitled, an act for the benefit of the securities of William Johnson, late sheriff of Shelby county ; in which amendment and bill, they request the concurrence of this house.

And then he withdrew.

Mr. Wall, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles :

An act for the benefit of John Francis, and Richard Slavey, and Joseph Barnett and his associates ; an act for the relief of William and Evan Dewees ; an act to establish and regulate the town of Campbellsville, in Green County ; and an act establishing a town on the Jefferson seminary lands :

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered,* That mr. Wall, inform the senate thereof.

The following bills were reported from the several committees appointed to prepare and bring in the same :

By mr. M'Millan—1st, a bill incorporating the Winchester steam-mill company. By mr. Dollerhide—2nd, a bill to alter the division line between the counties of Pulaski and Wayne. By mr. Cox—3rd, a bill for the relief of the representatives of David Johnson, deceased ; and by mr. Fleming—4th, a bill to amend an act entitled an act to amend an act entitled an act concerning occupying claimants of land :

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of the third bill being dispensed with, the same was committed to a select committee of messrs. D. White, Todd, Shepard, Breckenridge, Rowan and Cox.

The house took up a bill further to regulate the general court, and the amendment thereto reported from the committee of the whole house, on the state of the commonwealth: which amendment being twice read, was concurred in.

Mr. Mills, then moved an amendment, in lieu of the said bill as amended ; which being twice read, was concurred in.

*Ordered*, That the said bill as amended, be engrossed and read a third time to-morrow.

Mr. Wall, from the joint committee of enrollments, reported that the committee did on this day deposit in the office of the secretary of state, for the approbation and signature of the lieut. governor, the bills signed on this day by the speaker of this house.

A bill from the senate entitled, an act to establish an election precinct, in Mercer county ; was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of the said bill being dispensed with, the same was committed to a select committee of messrs. M'Coun, Birney, Rowan, Blackburn, South, Trigg, Marshall and Breckenridge.

A message from the lieutenant Governor, by mr. Pope, his secretary :

*Mr. Speaker,*

I am directed by the lieutenant governor, to lay before this house, a message in writing.

And then he withdrew.

The said message was then taken up and read as follows :  
to-wit :

*Fellow-Citizens of the  
House of Representatives.*

I received the inclosed letter too late to notice in my communication to the legislature at the commencement of their present session. The importance of the subject noticed in it, and respect for a sister state have induced me to submit to your consideration, whether any, and what aid ought to be afforded by this commonwealth to accomplish the canal communication, contemplated by the state of New-York, as disclosed in the letter which I beg leave to lay before you.

GABRIEL SLAUGHTER.

*January 2nd, 1817.*

*Albany, November 11th, 1816.*

SIR,—The legislature of the state of New-York, by an act passed at their last session, organized a board of commissioners with instructions to ascertain the practicability of connecting the navigable waters of the Hudson river with lake Erie, by means of a canal.

The contiguity of Kentucky to the great western lakes and their tributary streams, will render this an interesting subject to its citizens.

The board of commissioners after a careful examination, are perfectly satisfied of the practicability of this great enterprise. I therefore in obedience to the requisitions of the said act, and as the organ of said board, ask leave through you, to present this subject to the legislature of the respectable state over which you preside; and respectfully to invite them to afford such aid to New-York in the accomplishment of this desirable object, as the interests of Kentucky, the increasing wealth, population and enterprise of her citizens, and the public spirit of her councils may dictate.

With sentiments of respect, I am sir,  
Your Excellency's humble servant.

DEWITT CLINTON,  
*President of the board of canal  
Commissioners.*

*His Excellency,*

*The Governor of Kentucky.*

*Ordered,* That the said message and letter be referred to a select committee of messrs. M'Millan, Wall, Rowan, Underwood, Blackburn, Parker, Robertson, Mills and Logan.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act adding a part of Bourbon county to the county of Nicholas, with amendments.

They have passed a bill entitled, an act concerning the town of Louisville, in Jefferson county, and they have adopted the following resolutions, to-wit:

IN SENATE, January 2nd, 1817.

*Resolved*, By the general assembly of the commonwealth of Kentucky, That a committee of two members from the senate, and four from the house of representatives, be appointed to confer with printers for the purpose of ascertaining the terms and manner of executing the public printing, for the present year, and make report accordingly.

*Extract,*

WILLIS A. LEE, C. S.

IN SENATE, January 2nd, 1817.

*Resolved*, By the general assembly of the commonwealth of Kentucky, That they will on the 14th day of January, proceed to the election of public printer, and treasurer, and president and directors of the Bank of Kentucky, on the part of the commonwealth.

*Extract,*

WILLIS A. LEE, C. S.

In which amendments, bill, and resolutions, they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled, an act to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico, was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That mr. Dollenhide, carry the said bill to the senate, and request their concurrence.

An engrossed bill entitled, an act concerning commonwealth's attornies, was read a third time.

And then the house adjourned.

FRIDAY, JANUARY 3, 1817.

The petition and affidavit of John Swift, exhibiting charges against Thomas S. Wingate, a justice of the peace of Henry county, for malfeasance in office, and praying his removal: and

The petition of sundry citizens of the county of Hopkins, praying that the seat of justice of said county, may be removed from Madisonville, to a more central and eligible situation:

Were severally received, read and referred: the former



to the committee for courts of justice, and the latter to the committee of propositions and grievances.

Mr. Underwood, from the joint committee of enrollments, reported that the committee had examined enrolled bills, and resolutions of the following titles :

An act to amend an act concerning *venire* men in this commonwealth ; an act prolonging the time of improving the lots in the town of Lebanon, in Washington county ; an act to incorporate the Allen seminary ; an act for the relief of Joseph Wood ; a resolution approbatory of the conduct of Commodore Joshua Barney, during the late war ; a resolution to appoint a joint committee to examine and report what repairs are necessary to be made to the house occupied by the lieutenant Governor :

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Underwood, inform the senate thereof.

Mr. D. White, from the select committee to whom was referred, a bill for the benefit of the representatives of David Johnson, deceased, reported the same with amendments ; which being severally twice read, were concurred in.

*Ordered*, That the said bill with the amendments, be engrossed and read a third time to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Ewing—1st, a bill to establish a ferry across Green river, on the lands of Urbin and Reuben Ewing, below Morgan town, in the county of Butler ; and by mr. Booker—2nd, a bill for the relief of the administrator and securities of Samuel Ewing, deceased, former sheriff of Mercer county :

Which bills were severally received, and read the first time, and ordered to be read a second time.

Mr. Blackburn, from the select committee to whom was referred, a bill to amend the penal laws of this commonwealth, reported the same with amendments :

Which being twice read, were amended.

Mr. Rowan, then moved further to amend the said bill, by attaching thereto, the following section, to-wit :

*Be it further enacted*, By the authority aforesaid, that the fact of drunkenness, shall be ranked with the act of gaming, and shall be prosecuted in the same manner, and the person convicted thereof, shall incur and be liable to the same penalties and disabilities to which the person convicted of gaming under this law, is liable.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Rowan and Mills, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barnett, Birney, Bowman, Breckenridge, Caldwell, Coburn, Cooke, Cotton, Cummins, Dallam, Davis, Eggleston, Fleming, Gaines, Gaither, Gilmore, Given, Green, Hopson, Hornbeck, Hunter, H. Jones, Irvine, Love, Marshall, Mercer, Monroe, M'Hatton, M'Millan, Owings, Rowan, S. Stephenson, Stapp, T. Stevenson, Todd, True, Underwood, Wall, P. White, D. White, Wier and Yantis—44.

Nays—Messrs. Blackburn, Booker, Carson, Clarke, Cox, Cunningham, Davidson, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Ford, Garrison, Goode, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Holman, Jamison, J. Jones, Lackey, Logan, Metcalfe, Mills, M'Coun, M'Mahan, Parker, Rice, Robertson, Rudd, Shepard, Slaughter, South, Spillman, Trigg, Turner, Ward and Woods—41.

Ordered, That the said bill with the amendments, be re-committed to a select committee of messrs. T. Stephenson, M'Millan, Metcalfe, Booker, Holman, South, Parker, Todd and Underwood.

A message from the senate by mr. Owens :

Mr. Speaker,

The senate have adopted a resolution for a final adjournment of the legislature:

In which they request the concurrence of this house. And then he withdrew.

Mr. Underwood, from the joint committee of enrollments, reported that the committee deposited in the office of the secretary of state, for the approbation and signature of the lieutenant governor, the bills and resolutions signed on this day by the Speaker of this house.

Leave was given to bring in the following bills:

On the motion of mr. M'Millan—1st. a bill authorizing the register, of the land office, to obtain copies of certain entries in the surveyor's office of Lincoln county, and for other purposes. On the motion of mr. Marshall—2nd, a bill to regulate the manner of crossing the Frankfort Bridge; and on the motion of mr. Rowan—3rd, a bill to provide for a more speed recovery of the custody of children and wards, when unlawfully detained from the custody of those entitled to their keeping and maintenance.

Messrs. M'Millan Blackburn, Hickman, Hart and Gaines,

were appointed a committee to prepare and bring in the first; messrs. Marshall, P. White, Yantis and Breckenridge, the second; and messrs. Rowan, Mills, Breckenridge and Booker, the third.

Mr. Blackburn, moved for leave to bring in a bill, to authorize the administrators of Lewis Young, to sell certain slaves :

And the question being taken on giving leave to bring in said bill, it passed in the negative.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth—mr. Metcalfe in the chair; which being resumed by mr. Speaker, mr. Metcalfe reported, that the committee had according to order, had under consideration, a bill altering the mode of summoning jurors; and had gone through the same with sundry amendments, which he handed in at the clerk's table.

And then the house adjourned.

#### SATURDAY, JANUARY 4, 1817.

The petition of the administrators of John Jackson, deceased, and of the guardians of his infant heirs, representing that the said Jackson, in his lifetime, made sale of certain lots in Versailles, and land in its vicinity; and that by the terms of sale, titles were to be made to the purchasers upon the payment of the purchase money; that they are advised there is no law which will authorize them to convey agreeable to the contracts aforesaid, without which the purchasers refuse to make payment; and praying that a law may pass, appointing commissioners to convey agreeable to said contracts.

The petition of sundry citizens of Hopkins county, counter to that presented, on yesterday; praying that the seat of justice of said county, may be removed to a more central and convenient situation.

The petition of sundry citizens of Estill county, praying that a law may pass, better to regulate the ferry owned by Green Clay, across the Kentucky river, at Estill court house in said county.

The petition of Jesse Woodson, and sundry citizens of Livingston county, representing that the said Woodson, has built a dam across Tradewater river, by permission from the county court of that county, on condition that he should fix proper locks and slopes in said dam; that the erection of

a mill at the place aforesaid, will be of more advantage to the citizens generally, than the navigation of said river; and praying that a law may pass, authorizing him to erect said dam without locks and slopes: and

The petition of sundry citizens of the counties of Estill, Clarke and Madison; praying that a law may pass, authorizing Henry Green, to build a dam across Red river, near the mouth thereof, for the purpose of erecting a water grist mill.

Were severally received, read and referred: the first to a select committee of messrs. Blackburn, Breckenridge and T. Stevenson; the third to a select committee of messrs. Trigg, South, Yantis, Woods, Gaines and Owings; the fourth to a select committee of messrs. Wier, Mercer, Cummins, Given, and Blackburn; the fifth to a select committee of messrs. Trigg, Irvine, South, Slaughter, Owings, Marshall and M'Millan; giving said committees leave to report by bill or otherwise; and the second to the committee of propositions and grievances.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By Mr. Metcalfe—1st, a bill authorizing the county court of Nicholas, to convey the public ground at Ellisville. By Mr. Rowan—2nd, a bill to provide for a more speedy recovery of the custody of children or wards, when unlawfully detained from the custody of those entitled to their keeping and maintenance; and by Mr. Todd—3rd, a bill to incorporate the Petersburg steam mill company:

Which bills were severally received, and read the first time, and ordered to be read a second time.

Mr. Davenport, from the select committee to whom was referred, a bill from the senate entitled, an act to amend an act entitled an act to reduce into one, the several acts respecting the militia, reported the same without amendment.

*Ordered*, That the said bill be read a third time on Monday next.

On the motion of Mr. D. White:

*Ordered*, That the committee for courts of justice, be discharged from a further consideration of the petition and affidavit of John Swift, exhibiting charges against Thomas S. Wingate, a justice of the peace for Henry county, for malfeasance in office, and praying his removal therefrom: and that the same be referred to a select committee of messrs. D. White, Rice, Todd, Fleming, Mills and Logan, investing



said committee with power to send for persons, papers and records for their information.

The house took up the amendments proposed by the committee of the whole house on the state of the commonwealth, to a bill altering the mode of summoning jurors :

Which being severally twice read, were concurred in.

*Ordered*, That the said bill with the amendments be engrossed and read a third time on Monday next.

A message from the senate by mr. Yancey :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act further to regulate the payment of the debt due the commonwealth, for the sale of vacant lands.

And then he withdrew.

The house took up resolutions from the senate, proposing an article of amendment to the constitution of the United States.

Mr. Rowan then moved the following article in lieu of the article of amendment therein proposed to the constitution of the United States, to-wit :

That no law varying the compensation of the members of the congress of the United States, shall take effect until the time for which the members of the house of representatives of that congress by which the law was passed, shall have expired :

Which being twice read was concurred in: the said first resolution as amended, was then *unanimously* concurred in.

Mr. Rowan, then moved to amend the second resolution to read as follows, to-wit :

*Resolved*, That our senators and representatives in congress be requested to use their exertions to procure the passage of the foregoing amendment.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon, by messrs. South and M'Millan, were as follows, to wit :

Yeas—Messrs. Birney, Caldwell, Carson, Clarke, Cotton, Cunningham, Davidson, Duncan (of Lincoln) Gaither, Gilmore, Grundy, Harrison, Hawkins, Helm, Hornbeck, Marshall, Mercer, Monroe, Rowan, Rudd, Shepard, Slaughter, Spittman, Stapp, Todd, D. White, Woods and Yantis—28.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Blackburn, Booker, Bowman, Breckenridge, Coburn, Cooke, Cox, Cummins, Dallam, Davenport, Davis, Dollerhide, Duncan (of Daviess) Eggleston, Ewing, Fleming, Ford,

Gaines, Garrison, Given, Goode, Green, Hart, Hickman, Hopson, Hunter, Jamison, J. Jones, H. Jones, Irvine, Lackey, Logan, Metcalfe, Mills, M'Hatton, M'Millan, Owings, Parker, Rice, Robertson, South, S. Stevenson, T. Stephenson, Trigg, True, Turner, Underwood, Wall, Ward and Wier—54.

Mr. Logan, then moved to amend the said second resolution to read as follows :

*Resolved*, That our senators and representatives in congress, be instructed to use their exertions to procure the passage of the foregoing amendment.

And the question being taken on agreeing to said amendment, it passed in the negative.

The yeas and nays being required thereon, by messrs. Logan and Hart, were as follows, to-wit :

Yeas—Messrs. Barrett, Birney, Clarke, Ewing, Fleming, Green and Logan—7.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Blackburn, Booker, Bowman, Breckenridge, Caldwell, Carson, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Dallam, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Ford, Gaines, Gaither, Garrison, Gilmore, Given, Goode, Harrison, Hart, Hawkins, Hopson, Hunter, Jamison, J. Jones, H. Jones, Irvine, Lackey, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Hatton, M'Millan, Owings, Parker, Rice, Robertson, Rowan, Rudd, Shepard, Slaughter, South, Spillman, S. Stevenson, Stapp, T. Stephenson, Todd, Trigg, True, Turner, Underwood, Wall, Ward, D. White, Wier, Woods and Yantis—71.

The second resolution was then concurred in.

And then the house adjourned.

#### MONDAY, JANUARY 6, 1816.

The petition of William Montgomery, of the county of Bullitt, representing that he stands indicted in the Hardin circuit court on a charge of petit larceny, and from the prejudices existing against him in said county, he cannot obtain a fair and impartial trial ; and praying that a law may pass, authorizing his trial to be had in the county of Bullitt.

The petition of Samuel H. Smith and Jane W. Smith, of Garrard county, representing that they improvidently conveyed about seven years ago, several lots of ground in Lancaster, and a tract of land in said county, to their infant daughter, and at that time their only child ; that they are unable

from their present circumstances in life to bestow on their daughter, such an education as they desire without effecting a sale of said lots and land, and devoting the proceeds to that object ; and praying that a law may pass, authorizing them to sell said lots and land for that purpose.

The petition of James Swiggett, representing that some considerable time since, he purchased an entry of three thousand acres of land now lying in Casey county, and caused a survey of the same to be executed ; that he failed to return the plat and certificate of survey to the register's office, believing that he had done all that the law required, in order to complete his title to said land, and that he has resided, and paid taxes on the land for upwards of twenty years ; and praying that a law may pass, authorizing the return and registration of the said plat and certificate of survey, and the emanation of a grant to him for said land.

The petition of sundry citizens of Christian county, praying that Simon Holt, a free man of colour, who is settled in said county, may be exempted from the penalties of the law against the emigration of free persons of colour into this state, which he has incurred by his removal since the passage of the law aforesaid.

The petition of James Dewolf and others, representing that they have formed themselves into a company for the purpose of erecting a distillery on a large and liberal scale; and praying that a law may pass, to incorporate said company under the style of the *Hope Distillery* : and

The petition of William Hadden, representing that he is entitled to 113 acres of land in Butler county, which has been forfeited to the state for the non-payment of one of the installments due thereon ; that from misfortune he has been rendered unable to pay up the installments due, or the state price for said land ; and praying that a law may pass, to remit the state price due on said land, and authorizing the emanation of a grant therefor :

Were severally received, read and referred : the first and second to the committee for courts of justice ; the third to a select committee of messrs. Goode, Todd, Mills and Trigg ; the fourth to a select committee of messrs. Reeves, Hopson, Dallam, Ewing and Marshall ; the fifth to a select committee of messrs. Hunter, Barbour, Rowan and Logan ; and the sixth to a select committee of messrs. Ewing, Davis, Underwood and Reeves, giving said committees leave to report by bill or otherwise.

Mr. Todd presented the petition of sundry citizens of Hen-

ry and Gallatin counties, praying for the erection of a new county out of a part of each—and also presented the following notice and affidavit :

#### A NEW COUNTY.

To all whom it may concern ; there will be a petition presented to the next general assembly for the state of Kentucky, praying for a division of Henry county, and Gallatin county, and the two lower parts of said counties to be consolidated and form a new county.

*September 2, 1816.*

*Kentucky, to-wit :* Joseph Lane, of lawful age, made oath before me a justice of the peace for Henry county, that at the last September and October courts, holden for Henry county, he, said Lane, put up on the court house door a true copy of the within advertisement, and that they were there during one day of the court, during the months aforesaid. Given under my hand this 28th day of December, 1816.

SAMUEL NELSON, J. P. H. C.

And stated in his place, that he had set up notices on the court house door of Gallatin county, on two separate court days, one in the month of September, and the other in the month of October, which notices purported to be, that a petition would be presented to the general assembly for the formation of a new county out of the lower end of Gallatin and Henry counties :

Mr. Speaker, declared that the notice and statement aforesaid were sufficient to authorize the reception and reading of said petition ; from which decision of the chair, Mr. Mills appealed to the house.

The question was then put, " Is the decision of the chair correct ? " which was decided in the affirmative.

The said petition was then read, and referred to the committee of propositions and grievances.

Mr. Rice then presented counter petitions to the foregoing, which were likewise received, read and referred to the committee of propositions and grievances.

A message from the senate by Mr. Perrin :

*Mr. Speaker,*

The senate have passed a bill entitled, an act for the benefit of the Harrison academy ;

In which they request the concurrence of this house.

And then he withdrew.

Mr. Underwood, from the committee of enrollments, reported that the committee had examined an enrolled bill entitled,



an act further to regulate the payment of the debt due the commonwealth, for the sale of vacant lands.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered.* That mr. Underwood inform the senate thereof.

Mr. Underwood, from the select committee to whom was referred, a bill from the senate entitled an act to alter the time of holding the county and circuit courts of Casey county, reported the same with amendments :

Which being twice read, were concurred in.

*Ordered.* That the said bill as amended, be read a third time to-morrow.

Leave was given to bring in the following bills:

On the motion of mr. D. White—1st, a bill for the benefit of certain delinquent militia of the 38th regiment. On the motion of mr. Goode—2d, a bill to amend an act entitled, an act to suppress riots, routs and unlawful assemblies of the people, approved December 21st, 1802; and on the motion of mr. Ewing—3rd, a bill for the benefit of certain sheriffs of this commonwealth.

Messrs. D. White, Rice and Underwood, were appointed a committee to prepare and bring in the first; messrs. Goode, Cummins, South, Duncan (of Daviess) and Mills, the second; and messrs. Ewing, Metcalfe, Caldwell, Davenport and Jamison, the third.

The following bills were reported from the several committees appointed to prepare and bring in the same:

By mr. Helm—1st, a bill further to regulate the fees of sheriffs and constables in this commonwealth; and by mr. Lackey—2nd, a bill for opening a road from Mount Sterling to Prestonsburg:

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of the first bill being dispensed with, the same was committed to a select committee of messrs. Harrison, Helm, Mills, Booker, Marshall, D. White, Spillman and Turner.

A bill from the senate entitled, an act for the relief of Frank Spillman, late sheriff of Campbell county, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of said bill being dispensed with;

*Resolved.* That the said bill do pass, and that the title thereof be amended by adding thereto the words, "and of Spencer Adams, late sheriff of Floyd county."

*Ordered*, That mr. Mills, inform the senate thereof, and request their concurrence in the said amendment.

An engrossed bill entitled, an act further to regulate the Christian academy, and to amend the law establishing an academy in the county of Caldwell, was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Dallam carry the said bill to the senate, and request their concurrence.

## TUESDAY, JANUARY 7, 1817.

The petition of Lewis Oneall, Charles Oneall, George Oneall and Thomas Oneall, representing that they are the illegitimate children of Lodwick Oneall, by a certain Susannah Proctor, with whom he afterwards intermarried; that their said father by his last will and testament, duly proved and recorded in the county court of Bourbon, devised an entry of 4000 acres of land lying on the middle fork of Kentucky, to be sold by his executors, and the proceeds applied to the support of their mother, and at her death to be divided amongst the petitioners, (by the name of Proctor); that the mother of said petitioners has in writing relinquished to them her interest in said land, and they have made application to a court of chancery to obtain a division of said land; but upon examination of the true state of title, they have discovered that a certain John Rogers, who intermarried with the only legitimate child of their deceased father, and to whom the said land was supposed to have descended upon the default of the executors of their father's will to sell the same, has interfered with the entry aforesaid, and has caused said 4000 acre entry to be split in two, and has obtained the warrants without returning the original survey or any other on said entry to the register's office; and praying that a law may pass, authorizing the return and registry of the original plat and certificate of survey, and the emanation of a grant to them for said land; was received, read, and referred to the committee for courts of justice.

Mr. M'Millan, from the committee of propositions and grievances, made the following report, to-wit:

The committee of propositions and grievances have according to order, had under consideration, the petition of sundry citizens of the counties of Knox, Clay and Rockcastle, praying for the erection of a new county out of a part of each, to

them refered, and have come to the following resolution thereupon, to-wit :

*Resolved*, That the said petition, *be rejected*.

Which being twice read, was concurred in.

Mr. Metcalfe, from the committee of privileges and elections, made the following report, to-wit :

The committee of privileges and elections, have according to order, had under consideration the returns from the sheriffs of the several counties within this commonwealth, and having examined the same ; have agreed to the following report, to-wit :

It appears to this committee, that the following gentlemen were returned as duly elected to serve as members of the house of representatives for the present general assembly to-wit :

From the county of Adair, Nathan Gaither and John Stapp.

From the county of Allen, Samuel Garrison.

From the county of Boone, Jamison Hawkins.

From the county of Butler, Benjamin Davis.

From the county of Bath, Thomas D. Owings.

From the county of Barren, Joseph R. Underwood and Thomas B. Monroe.

From the county of Bullitt, John Hornbeck.

From the county of Breckenridge, James Moorman.

From the county of Bracken, James Armstrong.

From the county of Bourbon, James Robertson, John L. Hickman, and Benjamin Mills.

From the county of Casey, William Goode.

From the county of Campbell, Elijah Grant.

From the county of Caldwell, John Mercer.

From the county of Clarke, Isaac Cunningham and William M'Millan.

From the county Christian, Benjamin H. Reeves, Nathan S. Dallam and Morgan Hopson.

From the county of Cumberland, Granville Bowman.

From the county of Clay, John H. Slaughter.

From the county of Daviess, Benjamin Duncan.

From the county of Estill, Stephen Trigg.

From the county of Fayette, Joseph C. Breckenridge, John Parker and James True, jr.

From the county of Floyd, Alexander Lackey.

From the county of Fleming, William P. Fleming and David Hart.

From the county of Franklin, John J. Marshall and Philip White.

- From the county of Grayson, William Love.  
 From the county of Greenup, Francis H. Gaines.  
 From the county of Garrard, John Yantis and James Spillman.  
 From the county of Green, Liberty Green and Robert Barrett.  
 From the county of Gallatin, Samuel Todd.  
 From the county of Hardin, George Helm and Samuel Stephenson.  
 From the county of Harrison, William K. Wall and Isaac Holman.  
 From the county of Henry, David White and William M. Rice.  
 From the counties of Henderson and Union, James M. Mahan.  
 From the county of Hopkins, William R. Wier.  
 From the county of Jefferson, James Hunter and Richard Barbour.  
 From the county of Jessamine, William Caldwell.  
 From the county of Knox, Hiram Jones.  
 From the county of Lincoln, Michael Davidson and Benjamin Duncan.  
 From the county of Logan, Urbin Ewing, and John J. Crittenden.  
 From the county of Livingston, Dickson Given.  
 From the county of Lewis, Samuel Cox.  
 From the county of Mercer, Samuel M'Coun and James G. Birney.  
 From the county of Madison, Samuel South, Archibald Woods and D. C. Irvine.  
 From the county of Mason, James Ward and James W. Coburn.  
 From the county of Mughlenburg, Moses Wickliffe.  
 From the county of Montgomery, John Jamison and Samuel Davenport.  
 From the county of Nelson, John Rowan, Henry Cotton and Richard Rudd.  
 From the county of Nicholas, Thomas Metcalfe.  
 From the county of Ohio, Moses Cummins.  
 From the county of Pulaski, Thomas Dollerhide and Robert Gilmore.  
 From the county of Pendleton, William Clarke.  
 From the county of Rockcastle, William Carson.  
 From the county of Scott, Robert M'Hatton and Samuel Shepard.



From the county of Shelby, James Ford, John Logan and Benjamin Eggleston.

From the county of Woodford, Thomas Stevenson and William B. Blackburn.

From the county of Warren, John W. Cooke and Cornelius Turner.

From the county of Wayne, James Jones.

From the county of Washington, Thomas G. Harrison, William Grundy and Paul I. Booker.

THOMAS METCALFE.

SAMUEL TODD,

THOMAS STEVENSON.

DICKSON GIVEN.

DAVID WHITE, Jr.

JOHN J. MARSHALL,

J. G. BIRNEY,

NATHAN S. DALLAM

GRANVILLE BOWMAN.

Which being read, were concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Rowan, from the committee for courts of justice—1st, a bill providing for the revision of the statute laws of this commonwealth. By mr. H. Jones—2nd, a bill for the benefit of Mary Ward. By mr. Goode—3rd, a bill for the relief of James Swiggett. By mr. Ewing—4th, a bill for the relief of the sheriffs of this commonwealth. By mr. Hunter—5th, a bill to incorporate the Hope Distillery Company. By mr. D. White—6th, a bill for the benefit of certain delinquent militia of the 38th regiment ; and by mr. Lackey—7th, a bill for the benefit of the heirs of William Morgan, deceased.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of of the fourth, fifth, sixth and seventh bills being dispensed with, the fourth was committed to a select committee of messrs. Jamison, Ewing, Davenport, Mills and Lackey, and the fifth, sixth and seventh, (the fifth being amended) were severally ordered to be engrossed, and read a third time tomorrow.

Mr. Grundy, read and laid on the table, the following resolution, to-wit :

*Resolved*, By the general assembly of the commonwealth of Kentucky, that the seat of government be removed to the centre of the state.

Leave was given to bring in the following bills.

On the motion of mr. Lackey—1st, a bill for the relief of the administratrix of Thomas Evans, deceased, former sheriff of Floyd county; and on the motion of mr. M'Millan—2nd, a bill authorizing justices of the peace to issue writs of *ne exeat* in certain cases.

Messrs. Lackey, Robertson and Mills, were appointed a committee to prepare and bring in the first; and messrs. M'Millan, Rowan, Duncan (of Lincoln) and Mills, the second.

The house took up the resolutions relative to the free navigation of the river Mississippi (which were laid on the table on the 20th ultimo) the first and second of which resolutions, were concurred in; and the third, fourth and fifth resolutions, being again twice read, were *unanimously* concurred in.

The preamble to said resolutions, was then twice read, amended by expunging therefrom the words, "defend," in the sixth line, and inserting in lieu thereof the words, "assert," and concurred in.

*Ordered*, That mr. Logan, carry the said resolutions to the senate, and request their concurrence.

A message from the lieutenant Governor, by mr. Pope, his secretary:

*Mr. Speaker,*

The lieutenant governor did on the 3rd instant, approve and sign enrolled bills and resolutions which originated in this house of the following titles:

An act to incorporate the trustees of the Allen seminary.

An act giving farther time to purchasers of lots in the town of Lebanon, in Washington county, to improve the same.

An act for the relief of Joseph Woods.

An act to amend an act concerning *venire* men in this commonwealth.

A resolution approbatory of the conduct of Commodore Joshua Barney, during the late war.

A resolution appointing a joint committee to examine and report what repairs are necessary to be made to the house and lot occupied by the lieutenant governor.

And on the 6th inst. an enrolled bill entitled, an act further to regulate the payment of the debt due the commonwealth, for the sale of vacant lands.

And then he withdrew.

*Ordered*, That mr. Underwood inform the senate thereof.

A bill from the senate entitled, an act to amend the act entitled an act to reduce into one the several acts respecting the militia, was read a third time.

Mr. South, then moved to attach thereto the following section by way of engrossed ryder, to-wit :

*Be it further enacted,* That so much of the 80th section of the act approved February 3rd, 1815, as to authorize courts of assessments to impose a fine on any private for appearing on parade at any muster without arms, it appearing to the satisfaction of said court, that said private has no arms of his own property, be and the same are hereby repealed.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon, by messrs. Turner and Dollerhide, were as follows, to-wit :

Yeas—Messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Caldwell, Cunningham, Davenport, Dollerhide, Eggleston, Garrison, Goode, Green, Harrison, Hawkins, Hopson, Hornbeck, J. Jones, Irvine, Lackey, Marshall, Monroe, Reeves, Robertson, South, S. Stephenson, Todd, Turner and Woods—31.

Nays—Mr. Speaker; messrs. Breckenridge, Carson, Clarke, Coburn, Cotton, Cox, Cummins, Dallam, Davidson, Davis, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Fleming, Ford, Gaines, Gilmore, Given, Grundy, Hart, Helm, Holman, Jamison, H. Jones, Lackey, Metcalfe, Mills, M'Coun, M'Hatton, M'Mahan, M'Millan, Parker, Rice, Rudd, Shepard, Slaughter, Stapp, T. Stevenson, Underwood, Wall, Ward, D. White, Wier, Wickliffe and Yantis—46.

The question was then taken on the passage of the said bill upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Hawkins and Holman, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Booker, Breckenridge, Coburn, Cox, Cummins, Dallam, Davidson, Dollerhide, Duncan (of Daviess) Eggleston, Ewing, Fleming, Ford, Gaines, Gaither, Garrison, Gilmore, Given, Goode, Grundy, Hart, Helm, Hickman, Hopson, Holman, Hunter, Jamison, Irvine, Lackey, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rice, Robertson, Rudd, Shepard, Slaughter, Spillman, S. Stephenson, Stapp, Todd, Wall, Ward, D. White, Wier, Wickliffe, Woods and Yantis—59.

Nays—Messrs. Birney, Blackburn, Bowman, Caldwell, Carson, Clarke, Cotton, Cunningham, Davis, Duncan (of Lincoln) Green, Harrison, Hawkins, Hornbeck, J. Jones, Logan, Marshall, South, T. Stevenson, Trigg, Turner and Underwood—22.

*Ordered*, That mr. Mills carry the said bill to the senate, and request their concurrence, in the amendment proposed thereto.

And then the house adjourned.

WEDNESDAY, JANUARY 8, 1817.

Mr. Rowan, from the committee for courts of justice to whom a bill from the senate entitled, an act for the relief of Taylor and George Noel, reported the same with an amendment ;

Which being twice read was concurred in.

*Ordered*, That the said bill as amended, be read a third time.

And thereupon the rule of the house, and third reading of the said bill being dispensed with,

*Resolved*, That the said bill as amended do pass, and that the title thereof, be as aforesaid.

*Ordered*, That mr. Yantis, inform the senate thereof, and request their concurrence in the said amendment.

Mr. Rowan, from the said committee also made the following report, to-wit :

The committee for courts of justice, have according to order, had under consideration, sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit :

1. *Resolved*, That the petition of Henry W. Meriwether, representing that William Meriwether, assigned to him 175 acres, part of an entry of 375 acres of land lying in Breckenridge county, which he caused to be surveyed ; but either through the negligence or fraud of the surveyor in the certificate of survey, by inserting another name instead of that of the petitioner, he was unable to return said plat and certificate of survey to the register's office, until the time allowed by law for returning plats and certificates had expired ; and praying that a law may pass, authorizing the registry of said plat and certificate of survey, (the same having since been corrected) and the emanation of a grant thereon, *be rejected*.

*Resolved*, That the petition of William Montgomery, of the county of Bullitt, representing that he stands indicted in the Hardin circuit court, on a charge of petit larceny ; and from the prejudices existing against him in said county, he cannot obtain a fair and impartial trial, and praying that a law may pass, authorizing his trial to be had in the county of Bullitt, *is reasonable*.



*Resolved*, That the petition of Samuel H. Smith, and Jane W. Smith, of Garrard county, representing that they improvidently conveyed about seven years ago, several lots of ground in Lancaster, and a tract of land in said county to their infant daughter (and at that time their only child;) that they are unable from their present circumstances in life, to bestow on said daughter, such an education as they desire without effecting a sale of said lots and land & applying the proceeds to that object; & praying that a law may pass, authorizing them to sell said lots and land for that purpose, *be rejected*.

4. *Resolved*, That the petition of sundry citizens of the town of Transylvania, in Jefferson county, praying that a law may pass, authorizing the appointment of a justice of the peace in said town. *be rejected*.

5. *Resolved*, That so much of the petitions of sundry citizens of Jessamine county, on behalf of Caty and Rosa Bennett, representing that the said Caty and Rosa, are the natural children of Thomas Bennett, deceased, who died intestate and without heirs, as they believe; and praying that a law may pass vesting the commonwealth's right of *escheat* in and to the personal property of said Thomas, in said children; and authorizing proceedings against his administrator for the recovery thereof, *is reasonable*: And the same so far as it relates to his real estate, *be rejected*.

6. *Resolved*, That the petition of Lewis Oneall, Charles Oneall, George Oneall, and Thomas Oneall, *is reasonable*:

Which being severally twice read, the first resolution was laid on the table, and the 2, 3, 4, 5 and 6, concurred in.

*Ordered*, That the said committee prepare and bring in bills pursuant to the second, fifth and sixth resolutions.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have received official information that the lieutenant governor, did on the third inst. approve and sign enrolled bills which originated therein, of the following titles:

An act for the relief of William and Evan Dewees.

An act for the benefit of John Francis and Richard Slavey, and Joseph Barnett, and his associates.

An act establishing a town on the Jefferson seminary lands.

An act to establish and regulate the town of Campbells-ville, in Green county.

*Extract, &c.*

*Alt.*

WILLIS A. LEE, C. S.

And they have passed bills of the following titles:

An act for the benefit of Benjamin Fisher ; and an act farther to suspend law process in certain cases ;

In which bills they request the concurrence of this house. And then he withdrew.

Mr. T. Stevenson, from the select committee to whom was referred, a bill to amend the penal laws of this commonwealth, reported the same with sundry amendments, which were twice read, and amended.

Mr. Breckenridge, then moved to lay the said bill and amendments on the table until the first day of March next :

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon, by messrs. Parker and South, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Birney, Bowman, Breckenridge, Caldwell, Coburn, Cooke, Cotton, Cummins, Dallam, Davenport, Fleming, Gaines, Gaither, Green, Hornbeck, Hunter, H. Jones, Love, Marshall, Metcalfe, Monroe, M'Hatton, Owings, Reeves, Rudd, Stapp, Todd, True, P. White and Wickliffe—31.

Nays—Messrs. Blackburn, Booker, Carson, Clarke, Cox, Cunningham, Davis, Dellerhide, Duncan (of D.) Duncan (of Lincoln) Eggleston, Ewing, Ford, Garrison, Gilmore, Given, Goode, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Jamison, Irvine, Lackey, Logan, Mercer, Mills, M'Coun, M'Mahan, M'Millan, Parker, Rice, Robertson, Shepard, Slaughter, South, Spillman, S. Stevenson, T. Stephenson, Trigg, Turner, Underwood, Wall, Ward, D. White, Wier, Woods and Yantis—52.

The first section of the amendment proposed by the said committee being amended to read as follows, to-wit :

*Be it further enacted*, That if any person shall after the passage of this act, play at any game of cards, dice, billiards or back-gammon, or shall bet on the sides or hands of those who do play, and by playing or betting shall win or lose any sum of money or property above the amount or value of five dollars within twenty-four hours; or shall bet, win or lose on any election the sum of five dollars or upwards, in money or property, every person so winning, losing or betting, and being thereof duly convicted upon indictment or information in the circuit court, within whose jurisdiction the offence has been committed, if he holds any office or appointment under the government of this commonwealth, either civil or military, shall be fined, at the discretion of a jury, not exceeding fifty dollars, and shall moreover be liable to be removed from

office; and shall be for one year thereafter, disqualified from holding any office or appointment under said government; and if the person so convicted, shall not, at the time of such conviction, hold an office or appointment, he shall be fined as aforesaid, and shall not thereafter be eligible to any office or appointment under the said government for the space of one year from such conviction.

Mr. Birney then moved to amend the said first section further by inserting after the word, *election*, in the 8th line, the words, "*cock fight or horse race*,"

Mr. T. Stevenson, called for a division of the question, and the question was first put on inserting, "*cock fight*," upon which it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Marshall, and Birney, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Breckenridge, Caldwell, Clarke, Cooke, Cummins, Dallam, Davis, Duncan (of Daviess,) Duncan (of Lincoln,) Fleming, Ford, Gaines, Garrison, Green, Hopson, Holman, Hornbeck, Hunter, Jameson, J. Jones, H. Jones, Irvine, Lackey, Marshall, Mercer, McCoun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Rudd, Shepard, Slaughter, South, Spillman, S. Stephenson, Stapp, T. Stevenson, Todd, True, Underwood, Ward, D. White, Wickliff and Yantis.—54.

Nays—Messrs. Cotton, Cox, Dollerhide, Ewing, Gaither, Gillmore, Goode, Hart, Helm, Hickman, Logan, Metcalfe, Mills, Rice, Robertson, Trigg, Turner and Wier.—13.

The question was then taken on inserting "*or horse race*:" upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Gaither and Birney, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Birney, Breckenridge, Caldwell, Cooke, Cotton, Cummins, Dallam, Duncan (of Daviess,) Fleming, Gaines, Gaither, Given Green, Helm, Holman, Hornbeck, Hunter, J. Jones, H. Jones, Irvine, Love, Marshall, Mercer, McCoun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Rudd, Shepard, S. Stephenson, Stapp, Todd, True, Wall, Ward, D. White, Wickliff and Yantis.—44.

Nays—Messrs. Blackburn, Booker, Bowman, Carson, Clarke, Cox, Cunningham, Davidson, Davis, Dollerhide, Duncan (of Lincoln) Ewing, Ford, Garrison, Gillmore, Goode, Grundy, Hart, Hickman, Hopson, Jameson, Logan,

Metcalfe, Mills, Rice, Robertson, Slaughter, South, Spillman, T. Stevenson, Trigg, Turner and Underwood.—33.

The question was then taken on adopting the first section of the amendment as amended, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Mills and Hart, were as follows, to-wit :

Yeas—Messrs. Blackburn, Booker, Caldwell, Carson, Clarke, Cox, Dollerhide, Duncan (of Daviess) Duncan, (of Lincoln) Ewing, Ford, Garrison, Gilmore, Given, Goode, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Jameson, H. Jones, Irvine, Lackey, Logan, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Mahon, M'Millan, Parker, Rice, Robertson, Shepard, Slaughter, South, Spillman, S. Stephenson, Trigg, Turner, Underwood, Wall, Ward, D. White, Wier, Wickliff, Woods and Yantis.—54.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Birney, Bowman, Breckenridge, Cooke, Cotton, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Fleming, Gaines, Gaither, Green, Hornbeck, Hunter, J. Jones, Love, Marshall, Owings, Reeves, Rudd, Stapp, T. Stevenson, Todd, and True.—51.

Mr. Ewing moved further to amend the said amendment by expunging therefrom the fourth section, which was read as follows, to-wit :

Sec. 4. *Be it further enacted*, That it shall be the duty of every sheriff, deputy sheriff and constable in this commonwealth, to appear in court before each grand jury, impanelled before the different circuit courts, and shall hand into court a return in writing, of all persons and inn-keepers within the county, who have been guilty of gaming themselves or of permitting it in their houses coming under their knowledge; & also of the names of any witnesses by whom any gaming by any person or persons has been committed, or by whom gaming has been permitted in his or her house, of which such officer himself has not knowledge, and shall theretake an oath that he knows of no other information on the foregoing subjects except what is contained in his return, and the attorney for the commonwealth shall take immediate steps to present all offences contained in said returns.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Caldwell and Irvine, were as follows, to-wit :



Yeas—Mr. Speaker, messrs. Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Breckenridge, Carson, Clarke, Cooke, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Dellerhide, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Ford, Gaines, Garrison, Gilmore, Given, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hornbeck, Hunter, Jameson, J. Jones, H. Jones, Lackey, Logan, Marshall, Mercer, Metcalf, Mills, Monroe, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rice, Robertson, Rudd, Shepard, Slaughter, South, Spillman, S. Stephenson, Stapp, T. Stephenson, Todd, Trigg, True, Turner, Underwood, Wall, Ward, D. White, Wier, Wickliffe, Woods and Yantis—77.

Nays—Messrs. Caldwell, Cotton, Fleming, Gaither, Irvine and M'Coun—6.

The other amendments proposed by said committee, were then twice read, and concurred in.

And the said bill being further amended, was with the amendments ordered to be engrossed and read a third time tomorrow.

Mr. Rowan read and laid on the table, the following resolutions, to-wit :

*Resolved*, By the legislature of the commonwealth of Kentucky, That the recurrence of this day is calculated to awaken in every American bosom sensations of joy and gratulation. The 8th day of January, 1815, was distinguished by a victory the more splendid as it was achieved by the proud votaries of civil liberty, over the disciplined vassals of an ambitious monarch. *New Orleans*, and *this day*, form a combination of *time* and *place*, alike humiliating to England and gratifying to America. On this memorable day, she was vanquished and driven from the land of freemen. While she trembles let us rejoice, and that we may evince the proud sensations connected with the day, and the valor of our brave officers and soldiers,

*Resolved*, That our venerable acting governor, (who is himself respectfully remembered in connection with the day and subject,) be requested to cause the Artillery Company of the town of Frankfort, forthwith to parade upon the public square, near the capitol, and there to discharge nineteen rounds of cannon, a round for each state in our happy union, in commemoration of the achievements of our arms on that glorious day.

And thereupon the rule of the house being dispensed with,

the said resolution was taken up, twice read, and *unanimously* concurred in.

*Ordered*, That mr. Rowan carry the said resolution to the senate, and request their concurrence.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker*,

The senate have *unanimously* adopted a resolution from this house in commemoration of the victory at New-Orleans, on the 8th day of January, 1815.

And then he withdrew.

Mr. Wall, from the joint committee of enrollments, reported that the committee had examined the said resolution :

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Wall, inform the senate thereof.

A message from the lieutenant governor by mr. Pope, his secretary :

*Mr. Speaker*,

The lieutenant governor did on this day, approve and sign an enrolled resolution, which originated in this house, in commemoration of the victory at New-Orleans, on the 8th day of January, 1815.

And then he withdrew.

Mr. Ewing from the select committee to whom was referred, a bill for the relief of the sheriffs of this commonwealth, reported the same with sundry amendments ;

Which being severally twice read, were concurred in.

And a further amendment being moved thereto,

The house then adjourned.

#### THURSDAY, JANUARY 9, 1817.

The petition of sundry citizens of Fleming county, praying that the place of holding elections in the precinct in Fleming county, may be changed from Moses Clarke's, to a more central and convenient place :

Was received, read, and referred to a select committee of messrs. Hart, Fleming and Todd, giving said committee leave to report by bill or otherwise.

Mr. M'Conn, from the select committee to whom was referred, a bill from the senate entitled an act to establish an election precinct in Mercer county, reported the same without amendment.

*Ordered*, That the said bill, be read a third time.

And thereupon the rule of the house, and third reading of said bill being dispensed with, mr. M'Coun offered the following resolution :

*Resolved*, By the house of representatives, that the bill erecting an election precinct in the county of Mercer, is inexpedient and ought not to pass :

Which being twice read, was disagreed to.

The question was then taken on the passage of the said bill; upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Birney and M'Coun, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Barrett, Birney, Booker, Bowman, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cunningham, Davenport, Davis, Dollerhide, Duncan (of Daviess,) Duncan (of Lincoln) Eggleston, Ewing, Fleming, Gaither, Garrison, Gilmore, Given, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Hornbeck, H. Jones, Lackey, Logan, Love, Marshall, Mercer, Metcalfe, Monroe, Parker, Reeves, Rice, Rowan, Rudd, Shepard, Slaughter, Spillman, Stapp, T. Stevenson, Todd, Trigg, Turner, Underwood, Ward, D. White, Wickliffe, Woods, and Yantis—64.

Nays—Messrs. Blackburn, Davidson, Jamison, M'Coun, M'Hatton, Robertson, South, S. Stevenson and P. White—9.

*Ordered*, That mr. Birney inform the senate thereof.

Mr. Reeves, from the select committee appointed for that purpose, reported a bill for the benefit of Simon Holt :

Which was received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Reeves carry the said bill to the senate, and request their concurrence.

Mr. Rudd from the select committee to whom was referred, a bill from the senate entitled, an act more effectually to secure the navigation of the Beech and Rolling forks of Salt river ; reported the same without amendment.

Mr. Rudd, then moved to amend the said bill, by striking out the whole of the original bill after the enacting clause, and inserting in lieu thereof, the following, to-wit :

SEC. 1. That all laws or parts of laws, giving any county court power to grant permission to any person or persons

to build mill-dams or to erect any obstruction whatever, over either the Beech or Rolling forks, below where those streams have been by the legislature declared navigable, shall be, and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That if any person or persons shall hereafter suffer any fish-trap or other obstruction to be erected on either Salt River, the Beech or Rolling-forks, or permit those to remain, which are now illegally erected, that adjoin his, her or their lands, binding on or covering both sides of any of said rivers, he, she or they to whom the land belongs, or he who is in the occupation of the land, shall forfeit and pay five dollars for every twenty four hours, that such fish-trap, or other obstruction is permitted to remain after having notice of the existence of such obstruction, & reasonable time to remove the same; which forfeiture may be recovered before any justice of the peace by warrant, or before any circuit court, by presentment or information having jurisdiction thereof; and all fines or forfeitures arising under the provisions of this act shall go to the informer who shall commence suit and prosecute for the same.

Sec. 3. *Be it further enacted*, That when any recovery shall be had under the provisions of this act, against any proprietor, owner, or occupier of lands, for obstructions not erected by the owner, or occupier, he, she, or they, shall have a remedy by action of trespass against each offender, either jointly or separately, who may hereafter erect, any such obstruction, and recover all damages which he, she, or they may sustain, and such further damages as the jury may in their discretion give with treble costs of suit and such actions shall be docketted after the commonwealth's business and writs of forceable entry and detainer: *Provided, however*, That nothing herein contained; shall be so construed as to repeal any law now in force in its operations, on any mill-dam heretofore erected to the injury of the navigation, or which may hereafter become injurious: *Provided, also*, That nothing in this act contained, shall apply to any mill-dam heretofore erected across either the Beech or Rolling forks, but shall remain in the same condition as if this law had not passed; and the county court of Nelson county, shall not be prevented under the present laws from permitting Peter Sibert to establish his mill, and finish his dam across the Beech fork, if the court think proper to let it be built, any thing in this act to the contrary notwithstanding.

And the question being taken on agreeing thereto, it passed in the negative.



The yeas and nays being required thereon by messrs. Rudd and Rowan, were as follows, to-wit :

Yeas— Messrs. Armstrong, Barbour, Blackburn, Breckenridge, Clarke, Cox, Cummins, Cunningham, Davidson, Davis, Duncan (of Daviess) Garrison, Gilmore, Hunter, Mills, Monroe, M'Coun, M'Hatton, Parker, Rudd, South, Spillman, T. Stevenson, Underwood, Ward, P. White, Wickliff and Woods—28.

Nays—Mr. Speaker ; messrs. Barrett, Booker, Bowman, Carson, Coburn, Cooke, Cotton, Davenport, Duncan (of Lincoln) Fleming, Ford, Gaines, Gaither, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hopson, Holman, Hornbeck, Jamison, J. Jones, H. Jones, Lackey, Marshall, Owings, Rice, Rowan, Shepard, Slaughter, S. Stevenson, Stapp, Todd, Turner, D. White and Yantis—40.

The said bill being then amended at the clerk's table, was, with the amendments, ordered to be read a third time.

And thereupon the rule of the house and third reading of the said bill being dispensed with ;

*Resolved*, That that the said bill as amended do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Booker inform the senate thereof, and request their concurrence in the said amendment.

The speaker laid before the house a letter from Robert Alexander, Esq. President of the Bank of Kentucky, containing a statement of the persons elected directors of that institution for the present year on the part of the stockholders, which is as follows, to-wit :

BANK OF KENTUCKY, 8th January, 1817. ✓

SIR—It has been usual to inform the legislature of the issue of the election held by the share-holders of the Bank of Kentucky, lest the same persons should be nominated on the part of the state who had been previously elected by the share-holders. I therefore, take the liberty of communicating to you, for the information of the house of representatives, that at the election which commenced on Monday last, and was continued until Tuesday, the following gentlemen were elected directors of the Bank for the ensuing year, on the part of the share-holders, to-wit :

Messrs. John Brown, Daniel Weisiger, Nathaniel Hart, Martin D. Hardin, Alexander J. Mitchell and John Pope.

I am, respectfully, sir,

Your most obedient servant,

ROBT. ALEXANDER, Pres't.

*The honorable John J. Crittenden*

*Speaker of the house of representatives.*

Mr. Blackburn from the committee of propositions and grievances, reported a bill repealing so much of the act entitled an act to improve the navigable streams, as relates to the county of Hardin :

Which was received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of the said bill being dispensed with, and the same being amended at the clerk's table, the said bill was ordered to be engrossed, and read a third time to-morrow.

Mr. Ewing from the committee appointed for that purpose reported a bill for the benefit of William Hadden :

Which was received, and read the first time, and ordered to be read a second time.

On the motion of mr. Fleming :

*Ordered*, That a bill from the senate, entitled an act to alter the time of holding the county and circuit courts of Casey county, be re-committed to a select committee of messrs. Fleming, Gaines, Lackey, Goode, Davenport, Ward, Monroe, Hunter, D. White, Logan and Jamison.

On the motion of mr. Breckenridge :

*Ordered*, That the rule of the house, and first and second readings of a bill from the senate entitled, an act concerning the town of Louisville, in Jefferson county, be dispensed with, and that the same be referred to a select committee of messrs. Breckenridge, Hunter, Barbour and Rowan.

The house took up the amendments proposed by the senate to bills from this house of the following titles :

An act adding a part of Bourbon county to the county of Nicholas ; and an act for the relief of Catharine Bodine ;

Which being severally twice read, were concurred in with amendments to those proposed to the former bill.

*Ordered*, That mr. Wall, inform the senate thereof, and request their concurrence in the said amendments.

An engrossed bill entitled, an act concerning commonwealth's attornies, which was read a third time on the instant, was taken up, and re-committed to a select committee of messrs. Mills, Rudd, Todd, Underwood, Booker, Logan, and Woods.

Engrossed bills of the following titles :

1st, An act authorizing the trustees of the town of Falmouth, to sell part of the public ground in said town ; 2nd, an act to amend the act entitled, an act to regulate the town of Greensburg, in Green county; 3rd, an act to ascertain and

mark the division line between the counties of Franklin and Woodford; 4th, an act for the relief of Zilpha Hix, & the heirs of Richard Hix, deceased; 5th, an act for the benefit of John M'Comb; 6th, an act for the benefit of Thomas Simpson; and 7th, an act for the relief of Hugh Henderson of Logan county: Were severally read a third time.

*Resolved*, That the said bills do pass; that the title of the first be amended by expunging therefrom, the words; "in said town," that of the second be amended, by expunging therefrom the words, "in Green county;" that of the seventh, be amended to read, "an act for the relief of Hugh Henderson, and others:" and that those of the others be as aforesaid.

*Ordered*, That mr. Underwood carry the said bills to the senate, and request their concurrence.

An engrossed bill entitled, an act to admit to record a copy of the will of Samuel Drake, deceased, in the Jessamine county court, was read a third time.

And then the house adjourned.

#### FRIDAY, JANUARY 10, 1817.

The petition of Thomas Worland, administrator of Arthur Oneal, deceased, praying that a law may pass, authorizing him to sell the real estate of said decedent, for the payment of his debts.

Was received, read and referred to the committee for courts of justice.

Mr. Breckenridge, from the select committee to whom was referred, a bill from the senate entitled, an act concerning the town of Louisville, in Jefferson county, reported the same with amendments;

Which being severally twice read, were concurred in with an amendment.

*Ordered*, That the said bill as amended, be read a third time.

And thereupon the rule of the house, and third reading of the said bill being dispensed with;

*Resolved*, That the said bill as amended do pass, and that the title thereof be amended to read, an act concerning the town of Louisville.

*Ordered*, That mr. Hunter inform the senate thereof, and request their concurrence in the said amendments.

Leave was given to bring in the following bills:

On the motion of mr. M'Hatton—1st, a bill for the bene-

fit of the heirs of Sarah Ward, deceased. On the motion of mr. Davidson—2nd, a bill to incorporate the Stanford library company; and on the motion of mr. Slaughter—3rd, a bill to establish an election precinct in the county of Clay.

Messrs. M'Hatton, Shepard and Wall, were appointed a committee to prepare and bring in the first; messrs. Davidson, Duncan and Monroe, the second; and messrs. Slaughter, H. Jones and Cummins, the third.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By mr. Mills, from the committee for courts of justice as unfinished business of the last session—1st, a bill for the benefit of William Marrs and Thomas Philips. By mr. Blackburn—2nd, a bill for the benefit of the heirs of John Jackson, deceased. By mr. Blackburn—3d, a bill concerning the town of Versailles. By mr. M'Coun—4th, a bill authorizing the sale of part of the public ground in the town of Harrodsburg; and by mr. M'Hatton—5th, a bill for the benefit of the heirs of Sarah Ward, deceased:

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second reading of said bills being dispensed with, the first was committed to a select committee of messrs. Mills, M'Coun and Ewing; and the second, third, fourth and fifth bills (the third being amended at the clerk's table) severally ordered to be engrossed and read a third time to-morrow.

The house took up a resolution from the senate pointing out the day on which to elect a public printer, treasurer and president and directors of the bank of Kentucky; and a resolution from the senate appointing a joint committee to confer with printers:

Which were severally twice read and concurred in as follows, viz.

IN SENATE, January 2d, 1817.

*Resolved by the General Assembly of the Commonwealth of Kentucky, That they will on the 14th day of January proceed to the election of public printer and treasurer, and president and directors of the bank of Kentucky, on the part of the commonwealth.*

*Extract,*

WILLIS A. LEE, C. S.

IN SENATE, January 2nd, 1817.

*Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two members from the senate*

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and four from the house of Representatives be appointed to confer with printers, for the purpose of ascertaining the terms and manner of executing the public printing for the present year, and make report accordingly.

*Extract,*

WILLIS A. LEE, c. s.

And messrs. Blackburn, Harrison, South and Yantis were appointed a committee on the part of this house conformably to the latter resolution.

*Ordered,* That mr. Wall inform the senate thereof.

The house resumed the consideration of resolutions from the senate proposing an article of amendment to the constitution of the United States, (the first and second of which were concurred in on a former day,) and the third resolution being again twice read, was concurred in.

*Ordered,* That mr. Wall inform the senate thereof, and request their concurrence in the amendments proposed to said resolutions.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate concur in the amendments proposed by this house to the bills from that of the following titles :

An act more effectually to secure the navigation of the Beech and Rolling forks of Salt river ; an act for the relief of Frank Spillman late sheriff of Campbell county ; and they have passed a bill from this house entitled, an act to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico.

And then he withdrew.

On the motion of mr. D. White :

*Ordered,* That messrs. Ford, Helm, T. Stevenson and Underwood be added to the committee appointed to investigate certain charges against Thomas S. Wingate a justice for the county of Henry.

An engrossed bill entitled, an act to admit a copy of the will of Samuel Drake, deceased, to record in the Jessamine county court, was taken up and recommitted to a select committee of messrs. Rowan, Breckenridge, Parker, Ewing, Booker and Hunter.

Mr. Blackburn from the select committee raised to investigate certain charges against Walter Thomas and William Collins, Esqrs. justices of the peace for the county of Allen, for malfeasance in office, made the following report, to-wit :

The select committee to whom was referred the petition of sundry citizens of Allen county, praying for the removal of

Walter Thomas and William Collins two justices of the said county, from their office, have had the same under consideration, and report the charges and response of the said Thomas and Collins, and the following evidence. 1st, The record of the county court of Allen, marked A.

It appeared in evidence before your committee, that, the order of the said court which states the fact of William R. Jackson, a justice of said county being present at the Allen November court, was made on the statement of the said Thomas and Collins and colonel Hugh Brown, another justice of the peace for said county; that it was their impression and belief, that said Jackson was present, and a member of the court at the Allen November court when the order appointing said Collins and Thomas, two of the commissioners to let the building of the court house for said county was made; but said Brown did not express himself so confident of the fact of Jackson's presence as said Thomas and Collins did: And that it was proved by the said Jackson, that he was not present in court on that day; that there was no evidence to shew that either the said Thomas or Collins, or any other person, said any thing with respect to said Jackson's being present at the November term, 1815, at the time the order of November term was rescinded on the first day of the April term, 1816; that all the witnesses who were examined, stated that they did not on that day hear any thing said in court, about said Jackson's being present at the said November term, 1815. That the application on the first day of the said April term, 1816, to rescind the order of November term aforesaid, was made and advocated by counsel, in the absence of Bird, and without his having notice thereof, and that the application made the next day to rescind the order was made on the part of Bird by his counsel: That the said Thomas and Collins were two of five justices of said county who formed the court on the second day of the April term, when the orders of the day before were rescinded, and when the contract made with Bird, was received and confirmed.

That it was also proved to your committee, that the writing evidencing the contract between said commissioners and Bird, which purports on its face to have been entered into on the 15th Nov. 1815, was executed by the commissioners before the Allen April court, and by Bird on the second day of the said April court, before the court sat. And that said contract had been agreed on between the said commissioners and Bird, the undertaker, on the 13th December, 1815, and not before; and that said Bird had commenced and progres-

sed with the work in making brick, and had engaged, and had prepared large part of the plank, scantling and shingles for said building, under faith of said contract before the first day of the April term, 1816.

It further appeared in evidence, that there was on the day of letting the said building, to-wit : On the 13th December, 1815, three propositions made by workmen, besides that of Bird's, and that Bird's was the lowest of the four; and that there were three other propositions made to undertake said building, by persons who were in every way able to give security for the performance of the work, all lower than that of Bird's, and one of them about seven hundred dollars less, and these propositions were rejected by the commissioners, upon the ground that they were not known to them as workmen. That there was no evidence to shew that said Thomas or Collins were in any way interested in the contract made with Bird; and that it was proved by Bird, that they had no direct nor indirect interest in said contract whatever.

Your committee beg leave further to report, that from the evidence before them, they are of opinion that the contract of the said Walter Thomas and William Collins as justices of the peace in this affair was improper and reprehensible, but that your committee are not satisfied from the evidence that they or either of them acted from corrupt motives. It is therefore resolved as the opinion of this committee, that said petition praying for the removal of said Thomas and Collins, be rejected.

#### THOMAS' DEFENCE.

This is agreed to be taken as the response of Collins, also, and the trial had in conjunction which was done accordingly.

#### WM. B. BLACKBURN, Ch'm.

The response of Walter Thomas to the charges exhibited against him as a justice of the peace from Allen, before the house of representatives.

*First charge*—He admits that the county court of Allen, at their November term, 1815, made an order appointing himself and others commissioners to let and superintend the erection of a court house for said county, and that he was one of the court when said order was made; that it has not been unusual for members of the county court to be appointed commissioners on such occasions; that he did not apprehend any impropriety in the making such an order, nor in acting under it.

*Second charge*—That he, as one of the commissioners afore-

said, acted in selling said building to John Bird, after its having been advertised that propositions would be received, and that he acted honestly and fairly, and as he believed correctly, and for the best. That as to the proposition of John Stamps and others, meaning John Stamps, Samuel Garrison, John Buchanan and William Garnett; Stamps, was a resident of Tennessee, and was not known by the commissioners, to be either a workman or a man of dependance; Garrison was not a workman, nor was Buchanan, nor was Garnett, as he informed the commissioners; that Bird's proposition was considered a fair one, and he was known as a master workman of high reputation, and was therefore accepted.

*Third Charge*—He denies that he was influenced by corrupt motives or sinister views when he sat as one of the court on the 2nd day of the April court, 1816, and voting for rescinding the orders made by the court the day before, relative to the erection of a court house for said county.

He was persuaded that the contract with Bird was honestly and fairly made, and that the objections which had been raised against it, originated from disappointed proposing undertakers, who had been industrious in circulating uncanonized and unfair statements as to the manner, the mode and the price of the building: That in the train of those rescinding orders it was manifestly to be seen and discovered that the court acted with more promptness than reflection: That Samuel Garrison, John Buchanan and Thomas Gatton, three of the commissioners appointed by the order of the court of the first day, were purchasers at the sales of the lots in Scottville, and were debtors to the county of Allen, for a considerable amount, say about two thousand seven hundred dollars, for the lots sold, and by one of said orders they were to take possession of their own notes without security or any responsibility whatsoever, and to let and dispose of the building of the court house; and two of those commissioners, to-wit: Garrison and Buchanan, it was generally known, desired to undertake the building, and were greatly incensed against this respondent and the other commissioners at Bird's getting the contract: That this respondent believed most conscientiously that he was acting for the safety and best interest of his county, in giving his votes for rescinding said orders, and re-instating matters upon their original ground. That the erection of such a court house as the purchasers of lots were promised at the time of the sales, would be thereby the more speedily completed at a fair price.



*Fourth charge*—He was impressed with a firm belief that William R. Jackson was present when the order of court alluded to was made, and stated his impression to the court, and voted for the order of court, but denies that he was influenced by corrupt or sinister views, or motives.

*Fifth charge*—He denies the charge, and each branch of it to be true.

*Sixth charge*—He denies the first branch of the charge to be true, and as to the second branch thereof, to-wit: Of having lost the confidence of his fellow citizens; to what extent he ever possessed the confidence of the citizens of Allen, he is not able to say with precision; but he admits it to be probable that many have been prejudiced against him, by the uncandid and unfair representations which have been industriously circulated by the two individuals who are now prosecuting him upon the charges aforesaid; and he hopes to be able to shew that those two individuals are in truth and in fact the persons who have originated, nourished and are fostering the charges aforesaid, by means and representations not well calculated to add honor to their names; and that he has not in truth and in fact lost the confidence of the great majority of the citizens and particularly those who think for themselves: he is not conscious however, of having merited their displeasure.

This respondent expects the evidence will shew such circumstances as will satisfy the mind, that mr. Samuel Garrison and mr. John Ray, are the most active, if not the real prosecutors of this respondent; and that they have used uncandid and unfair representation to deceive and inflame the minds of many citizens of Allen; and that they have resorted to the specious mode of introducing this prosecution in the name of the citizens of Allen, in order to avoid the responsibility attached to prosecutors by law.

#### RECORDS.

At a county court continued and held for the county of Allen, at the court house thereof, on Tuesday the 14th day of November, 1815.

Present,

WALTER THOMAS.  
WILLIAM COLLINS.  
ELI PITCHFORD,  
HUGH BROWN.

*Justices.*

Ordered, that David Walker, jr. Walter Thomas, William Collins and Johnson J. Cockrill, be appointed commissioners

to superintend the building of the court house of this county in Scottville.

A Copy,

JOHN WALRER, D. C. A. C. C.

Ordered by the court, that the clerk of this county court call upon the clerk of the board of the trustees of the town of Scottville, for the notes which he now has in his possession, or which may hereafter come into his hands from the sales of the lots in Scottville, which notes are to be deposited in the clerk's office for safe keeping; and David Walker, jr. is authorized to collect and pay over to the undertakers of said courthouse, whatever he may so collect not exceeding the sum of eight thousand dollars, for the court house for said county, and the building now received by the court as also all other legal claims.

A copy,

JOHN WALKER, D. C. A. C. C.

At a county court, begun and held for the county of Allen, at the court house in Scottville, on Monday the 8th day of April, 1816.

Present,

WILLIAM R. JACKSON.  
DAVID HARRIS.  
EDWARD MARTIN.  
ELI PITCHFORD.  
WILLIAM T. HENDERSON.  
JOHN RAGLAND.  
WILLIAM COLLINS.  
WALTER THOMAS.  
HUGH BROWN.

*Justices.*

It is ordered by a majority of the court, that the orders of the county court of November term, 1815, appointing David Walker, jr. Walter Thomas, William Collins and Johnson J. Coekrill, commissioners to superintend the building of the court house of this county, in Scottville, be rescinded, because there was not a majority of the magistrates of said county present, there being present only four, when there were nine in said county in commission.

A copy test,

JOHN WALKER, D. C. A. C. C.

It is ordered by the majority of the court of this county, that the order of the county court at their November term, 1815, authorizing David Walker, jr. to pay over

to the undertakers of the court house, the sum of money not exceeding eight thousand dollars for the building of said court house, be rescinded; and that the said David Walker, jr. retain in his hands whatever notes and money he may have collected to be subject to the further order of this court.

Absent—Hugh Brown, Walter Thomas and William Collins.

It is ordered, that Samuel Garrison, Thomas Gatton, John Buchanan, Richard Pope and John Godley, be appointed commissioners to settle with David Walker, jr. and report to this court at their next term, the amount of money and notes which he may have in his hands, belonging to the county arising from the sale of the public lots in the town of Scottville.

Absent—John Ragland.

Present—Walter Thomas.

It is ordered, that Samuel Garrison, Thomas Gatton, John Buchanan, Richard Pope and John Godby, be and they are hereby appointed commissioners, and vested with power and authority to contract for and let the building of a court house for this county, to be built on the public square, to be of brick; the said commissioners are directed to give public notice of the letting of said building, which shall be let to the lowest bidder. But they are not to exceed the sum of five thousand dollars; and they are ordered to report to the next court, the contract they may make under this order. One half to be paid the first day of January, 1817, and the balance upon the completion of the work, in which way the commissioners are directed to contract for said building.

Present—William Thomas.

A copy test,

JOHN WALKER, D. C. A. C. C.

It is ordered, that the aforesaid commissioners for letting said building who are the same appointed to settle with David Walker, jr. be authorized to draw from said David Walker, jr. be directed to pay to them the amount of notes arising from the sale of lots of the town of Scottville, and they are further authorized to make payment of said notes to the undertaker of said court house first taking from him, bond with approved security for the completion of the work in a neat workman like manner, and within a reasonable time.

A copy test,

JOHN WALKER, D. C. A. C. C.

At a county court, continued and held for Allen county, on Tuesday the 9th day of April, 1816.

Present,

WALTER THOMAS.  
WILLIAM COLLINS.  
HUGH BROWN.  
ELI PITCHFORD.  
JOHN RAGLAND.

*Justices.*

It is ordered by the court, that the order made on yesterday, appointing Samuel Garrison, Thomas Gatton, John Buchanan, Richard Pope and John Godley commissioners, to let and superintend the building of a court house for this county, on the public square in Scottville, be rescinded, annulled, set aside and held for naught.

It is ordered by the court, that the order entered on yesterday appointing Samuel Garrison, Thomas Gatton, John Buchanan, Richard Pope and John Godley, commissioners to settle with David Walker, jr. who was appointed by an order of last November term, to take into his possession and care for safe keeping, the notes belonging to said county, be and the same is hereby rescinded and held for naught.

It is ordered by the court, that the order entered on yesterday directing David Walker, jr. to retain in his hands all notes and monies belonging to said county, and not pay over any monies to said undertakers, be and the same is hereby rescinded.

It is ordered, that the order made on yesterday appointing Samuel Garrison, Thomas Gatton, John Buchanan, Richard Pope and John Godley, commissioners to settle with and draw from the hands of David Walker, jr. all notes and monies which he may have in hand, and pay to the undertaker of said building, under the order of yesterday, be and the same is hereby rescinded.

Absent, Eli Pitchford.

It is ordered, that the reasons of John Bird, the undertaker of said Building, under the order of the county court of November, 1815, be filed and made a part of the record; he, the said Bird, being absent on yesterday when said orders were made.

It appearing to the satisfaction of the court that there was a clerical omission in not entering the presence of all the magistrates who were on the bench at the time the order appointing David Walker, jr. Walter Thomas, William Col-



ins and Johnson J. Cockrill, commissioners at the November term, 1815, on the 14th day of the month, and 2nd day of the term for the purpose of letting the court house for said county, be amended by directing the clerk to insert the name of William R. Jackson who was present when said order was made, and whose name was omitted to be entered upon the records of said court. This order is directed from the knowledge of the court themselves of the fact of William R. Jackson's presence.

Present, Eli Pitchford.

It is ordered by the court, that the contract made and entered into by David Walker, jr. Walter Thomas, William Collins and Johnson J. Cockrill, commissioners on the part of the county, and John Bird, the undertaker of said building, with the exhibit marked C, be filed and their act confirmed by the court, said contract bearing date the 15th November, 1815.

A copy test,

JOHN WALKER, D. C. A. C. C.

At a county court, held for Allen county, on Monday the 10th day of June, 1816.

Present,

WALTER THOMAS.  
WILLIAM COLLINS.  
JOHN RAGLAND.  
HUGH BROWN.  
WM. T. HENDERSON.  
WILLIAM R. JACKSON.  
DAVID HARRIS.  
JOHN GODLEY.  
ROBERT H. PARIS.  
THOMAS GATTON.  
EDWARD MARTIN.  
ELI PITCHFORD,

*Justices.*

It is ordered by the court, that the following protest against former orders of the county court of this (Allen) county, the entered on record; which said protest is in the following words, and figures to-wit:

Whereas it appears to this court, that the order of the county court at their November term, 1815, appointing David Walker, Jr. William Thomas, William Collins and John J. Cockrill, commissioners to superintend the building of a court house, was illegal and unauthorized by the act of assembly

in such case made and provided, because there was no court house previously contracted for by said court, and because there was not a majority of the justices of the peace in commission, and acting in said county on the bench at that time as appears by the record; and whereas, this court at their last term, all the members of the court being present, declared said order invalid, and of none effect; and ordered the same to be rescinded; and on the 2nd day of the court five members thereof met, and a majority of them rescinded the said order, and received and confirmed a contract made by said commissioners for building a court house for said county, contrary to the powers vested in them by said order, contrary to the known and expressed opinion of the majority of all the justices, and the great majority of all the people of said county: And whereas the said court on said second day of last term as appears to this court through mistake, ordered the clerk to insert the name of one of the justices of this court, (to-wit:) William R. Jackson, as present when the said order appointing commissioners was made to make said order to appear as having been made when a majority of all the justices were present, when in truth and in fact it appears to this court that the said William R. Jackson, by the oath of the said Jackson, was not present in court then, but was at home. It moreover appears to this court, that the said court so making said order appointing said commissioners, was composed of Walter Thomas, William Collins, Eli Pitchford and Hugh Brown, only; two of whom were appointed by said order as commissioners aforesaid. And it moreover appears to the court that on the second day of last term, the said two commissioners, (to-wit :) Walter Thomas and William Collins, Esq's. were two members of the court who received and ratified the contract made by themselves, and the other two commissioners for building said court house. Under this view of the subject, this court do protest against said contract so made, and so received and confirmed as aforesaid, as binding and obligatory upon them or their successors.

Ordered, That it be entered of record, that William Collins, Walter Thomas, John Ragland, Robert H. Paris and Hugh Brown, do dissent from the opinion of the court relative to the above protest.

Ordered, that David Walker, Jr. enter into bond with Walter Thomas, Johnson J. Cockrill and John Walker his securities, to the justices of the county court of Allen, in the penalty of twelve thousand dollars, conditioned for the safe keep-

ing and paying over all monies which he has or may receive for the sale of lots in Scottville, subject to the future order of this court; which said bond shall be executed by said D. Walker and securities within twenty days from this date.

And it is further ordered by the court, that unless the said David Walker, Jr. does enter into bond as aforesaid, with the securities aforesaid, on or before the expiration of the aforesaid twenty days, that the said David Walker shall be compelled to render up to John Godley, Esq. all notes and monies arising from the sales of lots in the town of Scottville, which have been committed to his care by a former order of this court, upon the said Godley's entering into bond with Walter Thomas, Robert H. Paris, Johnson J. Cockrill and Daniel M. Jones, his securities, in the penalty of \$12,000, conditioned for the safe keeping and paying over all such monies as he may receive by virtue of this order, subject to the future order of this court.

It is ordered, that David Walker, Jr. hold in his hands, subject to the future order of this court, all notes and monies arising from the sale of lots in Scottville; and if he should fail to give the bond and security required by an order of this court to-day, and the notes and monies go into the hands of John Godley, it is ordered, that he hold the same subject to the future order of this court.

A copy—teste,

[Examined, J. W.]

JOHN WALKER, D.C.A.C.C.

Be it remembered, that on this day, (to-wit:) on Tuesday the ninth day of April, 1816, John Bird, the undertaker of said court-house, appeared in court, and moved the court to rescind and set aside the orders of the court made on yesterday, for the following reasons, to-wit:

1st. Because there was a competent number of magistrates upon the bench at their November term, 1815, at the time the first order was made, there being only 9 in commission, and there were 5 upon the bench when said order was made.

2d. That the commissioners under said order have acted, and let the said building for the sum of \_\_\_\_\_ and that the undertakers have made large advancement towards said work.

3d. That it was a clerical mistake in not entering the presence of \_\_\_\_\_ justice, at the time the said order was made.

4th. Because the commissioners are bound to said undertakers, and the court composing the same at the time said order was made, are bound to the commissioners.

5th. Because said money is directed by law to be applied that way, and that only.

6th. Because the order appointing D. Walker, Jr. was good and legal as it respects the collection of the county debt.

7th. Because he has paid away considerable sums of money under said order.

A copy—teste,

JOHN WALKER, D.C.

A contract made and entered into this 15th day of November, 1815, between David Walker, Jr. Walter Thomas, William Collins and Johnson J. Cockrill, commissioners under an order of the county court of Allen, to let and superintend the building of a court-house in Scottville, of the one part, and John Bird of the other part. The said court-house is to be built in an octagon form out of brick; each angle to be 20 feet from out to out; the first story to be 16 feet high, and the second 10 feet; the foundation to be 18 inches above the surface of the earth at the lowest point, out of stone, to be 3 feet deep, 3 ditto wide, and 18 inches upon that out of range work; three front doors; 16 windows in the lower story; each window to have 15 panes of window glass, and the glass to be 12 by 16; each outer door to have the best kind of knob locks, hung with best kind of hinges, and each window to have shutters out of the best kind of venetian blinds; the same number of windows in second story, made in the same manner as first story; the door frames and window frames to be out of yellow poplar or black walnut; the pannel doors out of black walnut; 4 pannels in each fold; doors to be 1 inch thick, to be made bade and flush; the sills in the house to doors and windows 1-2 inches net in thickness; all the doors and windows to be hung with the best kind of hooks and strops, and bolted with the best kind of bolts; the necessary lintels in said house, 6 by 9, out of white oak; 2 large columns in first and second story, to be made and put as directed by the commissioners, and finished in the *Tuscan* order; the lawyers' bar, clerk's table, criminals' box, sheriff's ditto, judges' seats and the whole of the wood work on first floor to be done according to the plan of said house, under the direction of said commissioners; the joists in the bar to be 12 by 4 inches thick, out of white oak; the second story to be out of white oak 12 by 3, to be 18 inches from centre to centre when in the house, and to be let into girders 12 inches square; the three set of sleepers to be 10 by 3 inches thick, out of yellow poplar; the under floor to be out of ash plank 1-4 inch thick; the second and third out of



same thickness; the floors to be nailed with two nails to each plank, out of ten penny brads; the bannistering of said house to be turned out of black walnut; the lawyers' seats, jury benches, and all seats about the house out of poplar; the jury box out of black walnut, the balance of the under floor to be laid out of brick, herring-bone fashion; three jury rooms studded, with pannel doors to each, out of same wood; other front doors with knob locks, hung in same manner; the roof to be covered in an octagon form, agreeing with the house, and to have the general pitch, with a cupola on top 12 feet wide, 15 high, with a brass steeple 8 feet high, with an eagle thereon out of brass; the cupola to be planked 3 feet with poplar plank, the balance out of venetian blinds; the stair case to cupola in plain order, the balance of the inner work do.; the shingles to be out of yellow poplar 18 inches long, 3 1-2 inches wide, and at least 3-4 of an inch thick, and to be squared at the butts, shew six inches face, and to be nailed on with good shingle nails; the roof to be made to a king post extending from the girder, 18 inches above the top of the house, to be tied at bottom by a band of iron 1-2 an inch thick, 2 wide, extending around the under side of the girder, and upon each side of the king post 18 inches, with 3-4 iron keys, 2 in number, extending through said post and rivetted; the balance of the rafters, and every thing incident to said work dependent on said king post, to be done in the best order of workmanship; said house to be corniced with modillion cornice; the whole of the wood work to be painted with three coats, as commissioners shall direct; two coats plaitering with white washing; the whole of the work to be done in the neatest order of workmanship, and to be completed against the first day of October, 1817. The commissioners reserve to themselves to make any change or alteration in any part of said work, and the undertakers agree and consent on their part; the commissioners to retain as security the money in their hands, and agree to pay said undertakers one half the 1st day of October, 1816, and the balance on the completion and reception of said work. The bill returned by said undertaker marked B, is to govern the said parties as to the deduction of the price of any part of the work which they may alter. The exhibit filed and marked

C, shews the amount to be paid for said house. Signed and delivered the day and date above.

D. WALKER, Jr. (Seal.)

W. THOMAS, (Seal.)

WM. COLLINS, (Seal.)

JOHNSON J. COCKRILL, (Seal.)

JOHN BIRD, (Seal.)

[Examined J. W.] A copy—teste,

JOHN WALKER, D.C.A.C.C.

I, John Walker, deputy clerk of the county court of Allen, do certify that the foregoing copies of orders of courts and other writings, are true and perfect copies of what they purport to be.

JOHN WALKER, D.C.

*Ordered*, That the said report be committed to a committee of the whole house on the state of the commonwealth for to-morrow.

Mr. Wall, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles :

An act for the relief of Catharine Bodine, and the widow and heirs of Nathan Barrow, deceased ; an act for the relief of Taylor and George Noel ; and an act for the relief of Frank Spillman, late sheriff of Campbell county and Spencer Adams, late sheriff of Floyd county.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Wall, inform the senate thereof.

Engrossed bills of the following titles :

1st, An act authorizing Rudolph Neet, to build a mill on Green river ; 2nd, an act authorizing the Floyd county court to sell part of their public ground ; 3rd, an act to provide for the sale of part of the public ground in the town of Hopkinsville ; 4th, an act for the relief of Nehemiah Cravens ; 5th, an act further to regulate the Greenville seminary ; 6th, an act for the benefit of Sarah Allen Tharpe, and the heirs of William Allen Tharpe, deceased ; 7th, an act for the relief of Esther Smiley ; 8th, an act to authorize the trustees of the town of Bowling Green, to levy and collect a tax not exceeding two hundred dollars ; 9th, an act for establishing the town of Perryville ; 10th, an act to authorize the editors of the newspaper entitled, The National Pulse to insert certain advertisements in said paper ; 11th, and act to prevent the circulation of private notes in this commonwealth ;

12th, an act for the benefit of the representatives of David Johnson, deceased.

Were severally read the third time.

*Resolved*, That the first, 2, 4, 5, 7, 8, 9, 10, 11, and 12 bills do pass; that the titles of the 1, 2, 4, 5, 7, 8, 9 and 11, be as aforesaid; that of the 10, be amended to read, an act to authorize the insertion of advertisements in the National Pulse, the Commentator and the Guardian of Liberty, and that of the 12th, be amended to read, an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased.

*Ordered*, That mr. Reeves carry the 1, 2, 4, 5, 7, 8, 9; and mr. Harrison the 11th; and mr. D. White the 12th bills to the senate, and request their concurrence.

*Ordered*, That the third bill be re-committed to a select committee of messrs. Dallam, Reeves, Hopson, Given, Mercer and Rowan; and the sixth to a select committee of messrs. M'Hatton, Shepard and Hart.

A bill for the benefit of the sheriffs of this commonwealth, was taken up and ordered to be engrossed with the amendments, and read a third time to-morrow.

And then the house adjourned.

#### SATURDAY, JANUARY 11, 1817.

The petition of John Godlet, representing that John Baptist, late of the town of Bairdstown, a free man of colour, died without heirs, and that he is the principal if not the only creditor; and that the said decedent, left no property except a small lot of ground in Bairdstown; which the petitioner prays may be sold for the payment of the debts of said decedent.

The petition of sundry citizens of Woodford county, praying that a law may pass, authorizing John Finn, of said county to build a dam across the Kentucky river, at Finn's Island, for the purpose of erecting a water grist mill.

The petition of Jeremiah Rogers, of Fayette county, praying that the ware-house on the Kentucky river, known by the name of Cleveland's ware-house, may hereafter be called and known by the name of Roger's ware-house: and

The petition of Green Clay, counter to that of sundry citizens of Estill, concerning his ferry over the Kentucky river, at Estill court house:

Were severally received, read: and the first, second and fourth referred; the first to the committee for courts of jus-

tice ; the second to a select committee of messrs. M'Conn, Birney, Blackburn, T. Stevenson, Rowan, South and Marshall ; giving said committee leave to report thereon, by bill or otherwise ; and the fourth to the committee to whom was refered the petition concerning said ferry : and the question being taken on refering the third petition to a select committee, it passed in the negative, and so the said petition was rejected.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate have passed a bill entitled, an act respecting the seat of justice in Caldwell county :

In which they request the concurrence of this house.

And then he withdrew.

Mr. Blackburn, from the committee of propositions and grievances, made the following report, to-wit :

The committee of propositions and grievances have according to order, had under consideration the petition of sundry citizens of Hopkins county, praying the removal of the seat of justice of said county, and a petition counter thereto, to them refered ; and have come to the following resolution thereupon, to-wit :

*Resolved,* That the said petition praying for the removal, be rejected.

Which being twice read, was concurred in.

Mr. M'Hutton, from the select committee to whom was refered, an engrossed bill entitled, an act for the benefit of Sarah Allen Tharpe, and the heirs of William Allen Tharpe, deceased ; reported the same with an amendment :

Which being twice read, was concurred in.

*Ordered,* That the said bill as amended, be engrossed and read a third time on Monday next.

On the motion of mr. Underwood :

*Ordered,* That leave be given to bring in a bill to amend an act more effectually to suppress the practice of duelling ; and that messrs. Underwood, Wall, Mills, Yantis, Breckenridge and Owings, be appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same.

By mr. Ewing from the committee of religion—1st, a bill concerning the marriage of George Morrison ; and by mr. Hart—2nd, a bill to amend an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis, approved December 21st, 1816.



Which bills were severally received, and read the first time, and ordered to be read a second time :

And thereupon the rule of the house, and second and third reading of the latter bill being dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and the title thereof be as aforesaid.

*Ordered*, That Mr. Hart carry the said bill to the senate, and request their concurrence.

The house took up a bill to amend the act for the benefit of actual settlers ; also to amend an act appropriating the vacant lands of this commonwealth ; and the amendments thereto, reported from the select committee to whom said bill was referred ; which amendment being twice read, was disagreed to.

*Ordered*, That the said bill as amended, be engrossed and read a third time on Monday next.

A message from the senate by mr. Ewing :

*Mr. Speaker*,

The senate have passed a bill entitled, an act for the benefit of Joshua Cates :

In which they request the concurrence of this house.

An then he withdrew.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth—mr. Robertson in the chair ; which being resumed by mr. Speaker ; mr. Robertson reported that the committee had according to order, had under consideration the report of the select committee appointed to investigate certain charges against Walter Thomas and William Collins, Esqr's, justices of the peace for the county of Allen, and had adopted an amendment to the resolution reported by said committees to make it read as follows, to-wit :

It is therefore resolved as the the opinion of this committee, that Walter Thomas and William Collins, two acting justices of the peace for the county of Allen, in this commonwealth, have been respectively guilty of malfeasance in office in this, that they did wittingly by clubbing a court, and by their false statements, cause the records of the Allen county court to be so amended in relation to an important anterior transaction as to vary the record essentially from the truth of the case and to rescind the orders made the day before by all the justices in commission.

*Resolved*, That the said Thomas and Collins ought to be removed from their office of justice of the peace respectively,

by the joint address to the governor of both branches of the legislature.

Which he handed in at the clerk's table.

And then the house adjourned.

# MONDAY, JANUARY 13, 1817.

A message from the senate by MR. Lee, their secretary :

*Mr. Speaker,*

The senate have received official information that the lieutenant governor did on the 11th inst. approve and sign enrolled bills which originated therein of the following titles :

An act for the relief of Frank Spillman, late sheriff of Campbell county, and Spencer Adams late sheriff of Floyd county ; and an act for the relief of Taylor and George Noel. They concur in the amendments proposed by this house, upon concurring in those proposed by the senate, to the bill from this house entitled, an act adding part of Bourbon county to the county of Nicholas. They disagree to the first and second, and concur in the third amendment proposed by this house to the bill from that entitled, an act concerning the town of Louisville, in Jefferson county. They concur in the amendment proposed by this house to the bill from that entitled, an act to amend the act entitled, an act to reduce into one the several acts respecting the militia. They have passed bills from this house of the following titles :

An act further to regulate the Christian Academy, and to amend the law establishing an Academy in Caldwell county ; an act for the relief of Zilpha Hix, and the heirs of Richard Hix, deceased ; an act to amend the act entitled an act to regulate the town of Greensburg. And they have passed bills of the following titles :

An act for the benefit of doctor Robert Wellford ; an act for the benefit of the widow and heirs of Wilson Picket, deceased, and for the executors and devisees of Azariah Davis, deceased ; an act to amend and explain the law to suppress riots, routs, and unlawful assemblies of the people :

In which bills they request the concurrence of this house.

And then he withdrew.

Mr. Underwood presented the petition of sundry citizens of the town of Glasgow, in Barren county, praying that a law may pass, authorizing a lottery for the purpose of raising funds to enable them to purchase a fire engine, buckets, &c. for the use of said town :

Which was received, read, and laid on the table.

Mr. Rudd, from the joint committee appointed to examine and report upon the state of the penitentiary house, and the books and accounts thereof, made the following report, to-wit :

The joint committee from the senate and house of representatives, appointed to examine the Penitentiary, the demands for and against the institution, have examined the same and come to the following report :

The convicts appear to be well cloathed and properly employed in different branches of mechanical occupations, which evinces the skill, judgment and good management of the keeper.

|                                  |         |
|----------------------------------|---------|
| Engaged in the nail manufactory, | 18 men. |
| Black-smith's business,          | 6       |
| Chair making,                    | 8       |
| Stone cutting,                   | 11      |
| Shoe-making,                     | 9       |
| Cooking and washing,             | 2       |
| Invalids,                        | 2       |

Making in all 56.

Your committee have also examined the notes, book accounts, and accounts receipted for, and put in the hands of different persons for collection above five years standing, and find them to be as follows:

|                         |           |
|-------------------------|-----------|
| Notes,                  | \$ 226 17 |
| Book accounts,          | 1346 74   |
| Accounts receipted for, | 2130 28   |

The committee have found several receipts given for demands due the institution put into the hands of different persons for collection, of which they are entirely unable from any other document to form an opinion whether they have been discharged or not, but presume they are still due, although not calculated hereafter in the aggregate demands of the institution; and would recommend that the keeper, in whose correctness and judgment the committee have the utmost confidence, should make an adjustment of the same as soon as possible, and when he shall be unable to settle those demands to his satisfaction, that he be directed to commence suit on all those receipts; and also endeavor to collect all demands which have been of long standing, by suit if he cannot otherwise effect it.

From the loose and imperfect manner in which the books have been kept for some years after the establishment of the institution, and by the late agent, it becomes impossible for

the committee to make a correct report as to what is really due. The most accurate which they can give, appears as followeth :

|   |              |
|---|--------------|
| Debts due the institution, - - -  | \$ 23,760 87 |
| Debts above one year's standing, - - -  | 8,151 71     |
| Institution indebted, - - -   | 2,994 23     |
| Amount of manufactured articles on hand, - - -                                    | 5,847 60     |
| Raw materials on hand, - - -  | 2,667 02     |
| Cash on hand, - - -   | 147 10       |
| Work done since the 13th day of July 1816, to the first of December last, - - -   | 10,346 61    |
| Price of raw materials so manufactured, - - -                                     | 5,268 44     |
| Ten per cent allowed the keeper after deducting the price of raw materials, - - - | 507 80       |

In estimating the demands against the institution, the committee have not taken into consideration the various sums of money avanced by the state for its support, there is but five hundred dollars of this money, which appears to stand as a demand against the institution, but all sums for the price of articles purchased by the state are still estimated in the demands due the penitentiary.

Your committee would report as to the state of the buildings, that there are but seventeen cells to appropriate for the lodgings of convicts, which seems to be rather insecure. In consequence of the scarcity of cells and number of convicts, the keeper is obliged to lodge them in rooms appropriated for their different avocations, which renders the escape of the convicts not very difficult ; and if attempted, unless very strictly watched, almost certain. The rooms appropriated to carry on some of the branches of their professions, are too small for the number of hands employed therein, which prevents their doing business expeditiously. The kitchen and eating room are very small for the present number of convicts, and would seem to need enlarging. The buildings are very much out of repair, and will require considerable sums of money to reclaim them ; the roof of the whole house needs covering ; the bottom of a number of the props and sills of the portico are very much decayed, and in places entirely rotten, false props are resorted to, to support the upper floor of the portico. The top of the wall is considerably falling down, and appears to be going fast to destruction.

The establishment appears to this committee not to be large enough for the present number of convicts to be judiciously employed. If the walls were extended, it would be a convenience to the keeper, and an advantage to the state ; the ne-



essary shops could then be placed within the enclosure, which would effectually secure any arrangement in the convicts by day to make their escape at night. Upon due consideration, the committee are of opinion, that it would in the end, be less expensive and much better to build a new establishment of a proper size, than to repair and extend the boundary of the old one; the present place seems to be badly selected; the ground being low, wet, unhealthy, and not calculated to carry off the filth. The committee would remark, that they conceive the Penitentiary institution is not calculated to benefit the state, or reform the offenders: instead of having their morals corrected by the hard lesson of severity, they have communication with each other, which is impossible for the keeper to prevent, and learn every species of vice, immorality and wickedness. The institution appears rather calculated to harden, than reform the convicts. If a preacher was employed and paid out of the proceeds of the institution, to preach and give moral lectures to the convicts, it might have a tendency to reform them; but unless a reformation could be effected in this way, there is no hope left through any other channel by which they can be reformed; the convicts from a knowledge of an entire loss of character, unless they can be reclaimed, become from their habits of associating in the Penitentiary, more vicious and incorrigible than ever.

The committee conceives that it is almost indispensably necessary to appoint an agent; the business of the keeper is sufficient for the employment of both.

*From the Senate.*

JOHN FAULKNER.      DAVID THOMPSON,  
JOSEPHUS PERRIN.

*From the house of Representatives.*

RICHARD RUDD,      DICKSON GIVEN,  
JOHN J. MARSHALL, SAMUEL M'COUN,  
SAMUEL SHEPARD. BENJ. EGGLESTON.

Mr. Wall, from the joint committee of enrollments, reported that the committee had examined enrolled bills, and resolutions of the following titles:

An act to amend the act entitled an act to reduce into one the several acts respecting the militia; an act to establish an election precinct in Mercer county; an act more effectually to secure the navigation of the Beech and Rolling forks of Salt river; an act to amend the law authorizing the appropriation of the land acquired by the treaty of Tellico; a resolution pointing out the day on which to elect a public printer, treasurer, and president and directors of the bank of Ken-

tucky; a resolution appointing a joint committee to confer with printers.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Wall inform the senate thereof.

Mr. Monroe, from the select committee to whom was referred, a bill to amend an act entitled, an act further regulating the Penitentiary, reported the same with an amendment, which was twice read.

*Ordered*, That the said bill with the amendment, be laid on the table : And that the public printers forthwith print 130 copies of said amendment, for the use of the members of this house.

Mr. Mills, from the select committee to whom was referred, an engrossed bill entitled, an act to regulate the powers and duties of sheriffs, magistrates and constables, reported the same with sundry amendments; which being severally twice read, the 1st, 2nd, 3rd, 4th, 5th, 6th and 8th, were concurred in, and the seventh disagreed to; and the said bill being further amended, was with the amendments ordered to be engrossed and again read a third time on to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Rowan—1st, a bill to amend an act entitled an act to reduce into one the several acts concerning the limitation of actions. By mr. Todd—2nd, a bill concerning the keepers of ferries on the Ohio river :

Which bills were severally received, and read the first time, and ordered to be read a second time.

*Ordered*, That the public printers forthwith print 130 copies of the first bill for the use of the members of this house.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles :

An act to amend an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis ; an act to authorize the insertion of certain advertisements in The National Pulse, The Commentator and The Guardian of Liberty ; an act for establishing the town of Perryville ; an act to authorize the trustees of the town of Bowling Green to levy and collect a tax not exceeding two hundred dollars ; an act to ascertain and mark the division line between the counties of Franklin and Woodford ; and an act for the benefit of Thomas Simpson, with an amendment to the latter ;

and they have passed a bill entitled, an act to vest certain powers in the county court of Breckenridge county, in relation to certain Seminary lands ; in which amendment and bill they request the concurrence of this house.

And then he withdrew.

A message from the lieutenant Governor, by mr. Pope, his secretary :

*Mr. Speaker,*

The lieutenant governor did on the 11th instant approve and sign an enrolled bill which originated in this house entitled, an act for the relief of Catharine Bodine, and the widow and heirs of Nathan Barrow, deceased ; and on this day a bill entitled, an act to amend the law authorizing the appropriation of the lands acquired by the treaty of Tellico.

And then he withdrew.

Mr. Davidson, from the select committee appointed for that purpose, reported a bill to incorporate the Stanford library company ; and mr. Trigg, from the committee raised for that purpose, reported a bill authorizing Henry Green to erect a dam on Red river :

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of the first bill being dispensed with, and the same being amended an engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be, an act to incorporate the Stanford library company.

*Ordered*, That mr. Davidson carry the said bill to the senate, and request their concurrence.

Mr. Fleming from the select committee to whom was referred, a bill from the senate entitled, an act to alter the time of holding the county and circuit courts of Casey county, reported the same with sundry amendments, the first, second and third of which were concurred in.

And then the house adjourned.

## TUESDAY, JANUARY 11, 1817.

The petition of Luke Mansell, representing that he is preparing materials for publishing a map of this state from actual survey, and has already incurred considerable expence, that from the inadequacy of his funds he will be unable to complete the same without pecuniary assistance ; and praying that a law may pass, authorizing a loan to him of six

thousand dollars from the treasury, for the term of three years, with interest, upon his giving good security for the re-payment of the sum aforesaid :

Was received, read, and referred to a select committee of messrs. Marshall, Owings, Fleming, Reeves, Underwood, Birney, Rowan, Mills, Blackburn, Booker, Breckenridge, Davenport and Woods; giving said committee leave to report thereon by bill or otherwise.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Rowan, from the committee for courts of justice—1st, a bill for the relief of the devisees of Ludwick Oneall; and by mr. Underwood—2nd, a bill to amend an act more effectually to suppress the practice of duelling.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bills being dispensed with, the first was ordered to be engrossed and read a third time to-morrow; the second bill was amended to read as follows :

*Be it enacted*, By the general assembly of the commonwealth of Kentucky, that whenever it shall become necessary to administer the oath prescribed by the first section of an act entitled, an act more effectually to suppress the practice of duelling, approved February the fourth, one thousand eight hundred and twelve, to any person in this commonwealth, if such person shall alledge that he was an officer or soldier either in the militia or regular army in the service of the United States, at any time during the late war, it shall be lawful for the magistrate or court about to administer said oath to ascertain the truth of the fact alledged by the person about to take the oath, either by his own oath, or other testimony; and thereupon it shall and may be lawful for said magistrate or court to administer the oath required by said recited act with this amendment, to-wit : In lieu of the first of April, one thousand eight hundred and twelve, insert the first day of January, one thousand eight hundred and sixteen; thereupon such person shall be exempt from all the disabilities imposed by said recited act for failing or refusing to take the oath therein prescribed.

Mr. Blackburn moved to amend the said bill to read as follows, to-wit :

*Be it enacted*, by the general assembly of the commonwealth of Kentucky, that whenever it shall become necessary to administer the oath prescribed by the first section



of an act entitled, an act more effectually to suppress the practice of duelling, approved February 4th, 1812, to any person in this commonwealth, it shall and may be lawful for the magistrate or court to administer the oath required by said recited act with this amendment, to-wit: In lieu of the 1st of April, 1812, insert the 1st day of January 1816, whereupon such person shall be exempt from all the disabilities imposed by said recited act, for failing or refusing to take the oath therein prescribed.

And the question being taken on agreeing thereto, it passed in the negative.

The yeas and nays being required thereon by messrs. Mills and Blackburn, were as follows, to-wit:

Yeas—Messrs. Barbour, Birney, Blackburn, Bowman, Breckenridge, Coburn, Cox, Cummins, Dallam, Davenport, Eggleston, Ford, Gaines, Gilmore, Given, Green, Hart, Hopson, Holman, Hunter, Irvine, Lackey, Logan, Marshall, Mercer, Metcalfe, Monroe, M'Hatton, Owings, Reeves, Rudd, T. Stevenson, Todd, True, P. White, D. White and Wier—37.

Nays—Mr. Speaker; messrs. Armstrong, Barrett, Booker, Caldwell, Carson, Clarke, Cooke, Cotton, Cunningham, Davidson, Davis, Dollerhide, Duncan (of Lincoln) Ewing, Fleming, Gaither, Garrison, Goode, Grant, Grundy, Harrison, Hawkins, Helm, Hickman, Hornbeck, Jameson, J. Jones, H. Jones, Love, Mills, M'Coun, M'Mahan, M'Millan, Parker, Rice, Robertson, Rowan, Shepard, Slaughter, South, Spillman, S. Stevenson, Stapp, Trigg, Turner, Underwood, Wall, Ward, Wickliff, Woods and Yantis—52.

Mr. T. Stevenson having moved a further amendment thereto.

*Ordered*, That the said bill and amendments be laid on the table.

Mr. Blackburn, from the joint committee appointed to confer with and receive proposals for executing the public printing for the present year, made the following report, to-wit:

The joint committee raised by resolution of the legislature to confer with printers, have performed the duty assigned them, and have received from messrs. Gerard & Kendall, and messrs. G. E. & J. B. Russell, propositions in writing, which they respectfully submit to their respective houses.

|                  |   |                                       |
|------------------|---|---------------------------------------|
| A. BARTLETT,     | } | FROM THE SENATE.                      |
| JAS. SIMRALL,    |   |                                       |
| W. B. BLACKBURN, | } | FROM THE HOUSE OF<br>REPRESENTATIVES. |
| SAMUEL SOUTH,    |   |                                       |
| JOHN YANTIS,     |   |                                       |
| T. G. HARRISON.  |   |                                       |

To the joint committee appointed to confer with, and receive proposals from printers.

*Gentlemen*—We beg leave through you, to tender our services to the legislature as printers to the commonwealth for the ensuing year.

And although we feel no hesitation in assuring you, that we are fully prepared to execute the whole of the public printing with expedition and correctness; yet as many gentlemen have expressed a desire that a division might be made, so as to enable the legislature to extend their patronage to more presses than one, and conscious that such a measure would promote the public interest, we beg leave, most respectfully to submit the following plan:—

One printer might be directed to print the laws enacted by the legislature, and the journal of the senate; the other, the journal of the house of representatives, and bills of both houses. Blanks for the public offices and adjutant general, and all public advertisements, may be common to both, at the discretion of the officers or persons whose duty it is to have the business done.

A considerable advantage, it is presumed, would arise from this plan. It would enable the printers at all times during the session to keep up the journals of each house; it would expedite the publication of the laws; and it would be the means of ensuring more correctness; neither of the printers having more required of them than what might be well done, with proper attention, in a reasonable time.

As the public printers have no fixed salary, but are paid in proportion to the quantity of business they do, at a certain rate established by the legislature itself, no difficulty can arise in settling the compensation; and it would at least be a saving of the sum at present allowed the public printers for office rent, as we wish it to be understood that

each of the printers shall procure their own room, without any charge therefor against the commonwealth.

Although the plan now proposed, has not yet been tried in Kentucky, it has been long in practice in many of the other states ; and if once adopted here, would doubtless produce a result equally satisfactory. And be assured gentlemen, that whatever may be the pleasure of the legislature, in the distribution of the public work, we shall receive with pleasure, and execute with fidelity, any portion of it which they may think proper to assign to us.

With sentiments of the highest esteem,

We are, gentlemen,

Your obedient servants,

G. E. & J. B. RUSSELL.

*Frankfort, January 6th, 1817.*

FRANKFORT, January 13, 1817.

To the joint committee appointed to confer with printers.

*Gentlemen*—We propose to execute the printing of the state upon the same terms it has been done for the last eight years. We understand, however, a proposition is made to divide it, and beg leave to suggest to you, and through you to the general assembly, objections to that measure.

The editors of the Palladium propose—that the legislature shall give to one printer the journal of the house of representatives and the bills ; and to the other, the senate journal and the acts of assembly—leaving the blanks and public advertisements to be disposed of as the public officers may choose.

The constitution has established the office of public printer as some guarantee that the public work should be well and faithfully executed. It is an office of much responsibility ; and a division of the work would weaken, if not destroy that responsibility. But if this matter had not been mentioned by the framers of the constitution, we believe the interest of the state would before this have made it necessary. She wants her work done with promptitude, and with as little expence as possible. Should it be divided amongst different offices, there would not be a sufficient inducement to insure those objects ; for the profits of a part would be too insignificant to enable printers to keep employed a sufficient number of hands or purchase materials with which to execute large quantities of work in a short period of time. It not unfrequently happens that in the fore part of the session of the legislature, and for a month previous to its convening, we are compelled to keep one or more idle hands and pay them wages, to meet and ex-

ecute the business which accumulates in the latter part of the session, and until your laws are completed. But should the work be divided, printers could not afford this expence, and delay or additional cost to the state would be the consequence.

Much inconvenience must result from the details of the plan. If this principle should be adopted, we see no good reason why every printer in the town, or who may hereafter settle in it, should not have a part—and instead of *two* public papers have three or four in which the public advertisements shall be inserted. It cannot in candor or fairness be said, that any thing in expedition can be gained, for the work is now printed as fast as it is made, and we could do much more in the same time than we are required to print. Nor in price, as it is now executed about 50 per cent. lower than either those gentlemen or any other printer in the state do work for individuals. Should the proposition relative to blanks and public advertisements be acceded to, we believe the constitution would be virtually violated—as it takes away the appointment of public printer from the legislature so far as relates to them, and vests it in the public officers. We dislike it on account of its tendency to make your printers dependent, and of course subservient to other officers of government—a circumstance very much to be deprecated.

Should a division of the public work be made, such would be the difficulties, so small the profits and so humiliating the means for obtaining the blanks and advertisements, that we feel unwilling to be considered candidates for a *part* of the work. If we have not heretofore executed your printing faithfully and on reasonable terms, the interest of the state may require a change; but if there can be found no where else, better materials, a more strict attention or superior capacity, we trust we shall be continued in the office we now hold—which we are solicitous to retain.

Respectfully,

Your obedient servants,

GERARD & KENDALL.

Which was received and read.

A message from the senate by mr. Owens :

*Mr. Speaker,*

I am directed to inform this house that the senate are now ready to proceed by a joint vote with this house to the election of a president, and six directors to the bank of Kentucky, for the present year; a treasurer, and public printer;



and the following gentlemen stand on nomination before the senate for those offices, to-wit :

For President—Robert Alexander.

For Treasurer—John P. Thomas.

For Public Printers—Messrs. Gerard and Kendall.

For Directors—Messrs. Willis A. Lee, Richard Taylor, jr. Anderson Miller, George M. Bibb, William Gerard, Peter Dudley, Oliver G. Waggoner, John Madison, Charles S. Todd and Achilles Sneed.

And then he withdrew.

On the motion of mr. M'Millan :

*Ordered*, That the rule pursued by this house at the last session of the legislature, in the election of directors, be adopted on the present occasion.

*Ordered*, That mr. Blackburn inform the senate thereof, and that this house is now ready to proceed by a joint vote with the senate to the said election, and that the same gentlemen stand on the nomination before this house for those offices respectively, as those reported from the senate.

The house then proceeded to the said election ; in which mr. Robert Alexander had an unanimous vote as President of the bank of Kentucky ; mr. John P. Thomas, an unanimous vote as Treasurer of this commonwealth ; and messrs. Gerard and Kendall an unanimous vote as public printers for the present year ; and having taken a vote for directors,

Messrs. Rowan, Owings and Parker, were appointed a committee on the part of this house, to meet a committee from the senate to compare the votes, and report in whose favour a majority should be found.

The committee then withdrew ; and after some time returned ; when mr. Rowan reported, that mr. Robert Alexander had an unanimous vote as president of the bank of Kentucky ; mr. John P. Thomas an unanimous vote as Treasurer of this commonwealth ; and messrs. Gerard and Kendall an unanimous vote as public printers ; and that the joint vote for directors stood thus :

|                         |   |   |   |     |
|-------------------------|---|---|---|-----|
| For Mr. Willis A. Lee,  | - | - | - | 87  |
| Mr. Richard Taylor, jr. | - | - | - | 88  |
| Mr. Anderson Miller,    | - | - | - | 87  |
| Mr. George M. Bibb,     | - | - | - | 81  |
| Mr. William Gerard,     | - | - | - | 93  |
| Mr. Peter Dudley,       | - | - | - | 104 |
| Mr. Oliver G. Waggoner, | - | - | - | 39  |
| Mr. John Madison,       | - | - | - | 47  |
| Mr. Charles S. Todd,    | - | - | - | 75  |
| Mr. Achilles Sneed,     | - | - | - | 13  |

Whereupon, Mr. Robert Alexander was declared unanimously elected President of the bank of Kentucky; Mr. John P. Thomas unanimously elected Treasurer; and messrs. Gerard and Kendall unanimously elected public printers; and messrs. Peter Badley, William Gerard, Richard Taylor, jr. Willis A. Lee, Anderson Miller & George M. Bibb, (having each a majority and the greatest number of votes) directors. And then the house adjourned.

### WEDNESDAY, JANUARY 15, 1817.

Mr. Rowan from the committee for courts of justice, made the following report, to-wit:

The committee for courts of justice have according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit:

*Resolved*, That the petition of Thomas Worland, administrator of Arthur Oneal, decd. praying that a law may pass authorising him to sell the real estate of said decedent for the payment of his debts, *be rejected*.

*Resolved*, That the petition of John Godlet, representing that John Baptist, a free man of color, late of Bardstown, died possessed of a small lot of ground in said town, intestate and without heirs, and that he has a claim against said Baptist, and that said lot is the only property he owned at his death, and praying that a law may pass authorising said lot to be sold and his demand satisfied, *is reasonable*.

Which being twice read, the first resolution was laid on the table and the second concurred in.

*Ordered*, That the said committee prepare and bring in a bill pursuant to the second resolution.

Mr. Mills from the select committee to whom was referred a bill for the benefit of William Marrs and Thomas Philips, reported the same with an amendment; which being twice read, was concurred in.

*Ordered*, That the said bill with the amendment be engrossed and read a third time to-morrow.

Mr. Yantis from the joint committee appointed to examine into and report the state of the Auditor's office, made the following report, viz:

The joint committee appointed to examine the Auditor's office, have discharged that duty, and found all warrants and other entries, from the 10th of November, 1815 to the 10th of November, 1816, fairly made, and supported by proper legal vouchers. A statement of the receipts and expenditures of

government for the year ending the 10th of November last, is contained in the Auditor's annual report. It appears the sheriff of Hopkins failed to give bond for the collection of the revenue of his county for the year 1815, and that a collector was not appointed. Your committee would recommend the passage of a law making provision for its collection.

|                     |   |
|---------------------|---|
| MARTIN H. WICKLIFF, | } <i>From the Senate.</i>                   |
| JOEL YANCEY,        |   |
| JAMES MASON,        |   |
| JOHN YANTIS,        | } <i>From the house of Representatives.</i> |
| ROBERT BARRET,      |   |
| M. CUMMINS,         |   |
| WILLIAM CARSON,     |   |
| URBIN EWING,        |   |
| BENJAMIN DAVIS,     |   |
| WM. CLARKE,         |   |
| SAMUEL COX,         |   |
| ISAAC CUNNINGHAM,   |   |

Which was received and read.

Mr. Mills from the select committee to whom was referred an engrossed bill entitled, an act concerning commonwealth's attornies, reported the same with an amendment.

*Ordered,* That the said bill and amendment be laid on the table.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit:

By mr. Garrison—1st, a bill for the regulation of the town of Scottville, and for other purposes. By mr. Slaughter—2d, a bill to establish an election preeinct in Clay county; and by mr. Rowan from the committee for courts of justice—3d, a bill for the relief of John Godlett.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second reading of said bills being dispensed with, the first and third bills were ordered to be engrossed and read a third time, and the second was committed to a select committee of messrs. Turner, Slaughter, Cooke and Helm.

And thereupon the rule of the house and third reading of the first and third bills being dispensed with,

*Resolved,* That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered,* That mr. Garrison carry the first, and mr. Rowan the third bill to the senate and request their concurrence.

The house took up a resolution from the senate for a final

adjournment of the legislature; which being twice read as follows, viz:

IN SENATE, January 3d, 1817.

*Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 25th day of January, 1817, they will adjourn sine die.*

*Extract, &c.*

WILLIS A. LEE, C. S.

And being amended by striking out *'the 25th day of January,'* and inserting in lieu thereof *'the first day of February,'* was concurred in.

*Ordered, That mr. Rowan inform the senate thereof, and request their concurrence in the said amendment.*

The house took up the amendment proposed by the senate to the bill from this house entitled, an act for the benefit of Thomas Simpson:

Which being twice read, was concurred in.

*Ordered, That mr. Mills inform the senate thereof.*

The house proceeded to reconsider their first and second amendments proposed to the bill from the senate entitled, an act concerning the town of Louisville, in Jefferson county.

*Resolved, That this house do recede from said amendments.*

*Ordered, That mr. Hunter inform the senate thereof.*

An engrossed bill entitled, an act altering the mode of summoning jurors, was read the third time, and some of the blanks therein filled.

The sixth section of said bill was read as follows, viz:

§ 6. *Be it further enacted, That at the end of each term the circuit court shall direct, by an order, the amount to be paid to each juror, at the rate of* per day; and the clerk of the circuit court of the county shall pay the same out of any money which he has, or may receive under this act; but in such payment shall have regard to the date of the order; and if several are entered at the same time, then according to the order in which they are entered; and as a compensation for his services, shall be allowed at all times to retain 10 per centum upon sums actually disbursed according to this act; and shall at such stated times as the circuit court of his county requires, produce an account thereof; which shall be sworn to in open court.

It was then moved and seconded to fill the blank with *'one dollar:'* And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs: Holman and Hawkins, were as follows, to-wit:

W



Yeas—Messrs. Breckenridge, Coburn, Cummins, Dallam, Davidson, Davis, Eggleston, Gaines, Gaither, Grant, Green, Helm, Jameson, H. Jones, Irvine, Logan, Love, Marshall, Reeves, South, Spillman, S. Stevenson, Stapp, T. Stevenson, Trigg, True, Turner, Underwood, P. White, D. White and Yantis—34.

Nays—Mr. Speaker, messrs. Armstrong, Barrett, Booker, Bowman, Caldwell, Carson, Clarke, Cotton, Cox, Cunningham, Davenport, Dollerhide, Duncan, (of Lincoln) Fleming, Ford, Garrison, Gillmore, Given, Goode, Grundy, Harrison, Hart, Hawkins, Hickman, Hopson, Holman, Hornbeck, Hunter, J. Jones, Lackey, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Parker, Robertson, Rowan, Rudd, Shepard, Slaughter, Todd, Wall, Wier, Wickliff and Woods—50.

The said blank was then filled with seventy-five cents.

The tenth section of said bill was read as follows, viz :

§ 10. *Be it further enacted*, That the sheriff of each county shall be allowed the sum of \_\_\_\_\_ for summoning each number of select jurors, or bye-standers, if occasion may require, at each term ; which shall be certified by the court, and paid out of the public treasury, by warrant from the auditor of public accounts.

Mr. T. Stevenson moved to fill the blank in said section with *twenty dollars*.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Shepard and T. Stevenson, were as follows, to-wit :

Yeas—Mr. Speaker, messrs. Booker, Breckenridge, Cummins, Given, H. Jones, Lackey, Marshall, Monroe, Parker, S. Stephenson, T. Stephenson, True, P. White and D. White—15.

Nays—Messrs. Armstrong, Barbour, Barrett, Bowman, Caldwell, Carson, Clarke, Coburn, Cotton, Cox, Cunningham, Dallam, Davenport, Davidson, Davis, Dollerhide, Duncan, (of Lincoln) Eggleston, Ewing, Fleming, Ford, Gaines, Gaither, Garrison, Gillmore, Goode, Grant, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hornbeck, Hunter, Jameson, J. Jones, Irvine, Logan, Love, Mercer, Metcalfe, Mills, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Reeves, Robertson, Rowan, Rudd, Shepard, South, Spillman, Stapp, Todd, Trigg, Turner, Underwood, Wall, Ward, Wier, Wickliff, Woods and Yantis—69.

blank was then filled with *twelve dollars*.

Mr. Bowman then moved to attach to the said bill the following engrossed clause by way of ryder, viz :

*Be it further enacted*, That each grand juror shall receive the sum of 75 cents per day for his services ; and the clerk of the circuit court shall, without fee, give to each grand juror, at the end of the term, a certificate of his claim ; and the sheriff of the county shall pay the same out of the revenue in his hands ; which certificate shall be received in payment by the auditor from the sheriff.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. T. Stevenson and Bowman, were as follows, to-wit :

Yeas—Messrs. Booker, Bowman, Cooke, Dallam, Eggleston, Ewing, Gillmore, Grant, Green, Helm, J. Jones, H. Jones, Lackey, Logan, Love, Marshall, Monroe, M'Mahan, Reeves, Spillman, S. Stevenson, T. Stevenson, True, Underwood, Wall, P. White, D. White and Wier—28.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cotton, Cox, Cummins, Cunningham, Davenport, Davidson, Davis, Bollerhide, Duncan (of Lincoln) Fleming, Ford, Gaines, Gaither, Garrison, Given, Goode, Grundy, Harrison, Hart, Hawkins, Hickman, Hopson, Holman, Hornbeck, Hunter, Jameson, Irvine, Mercer, Metcalfe, Mills, M'Coun, M'Hatton, M'Millan, Owings, Parker, Robertson, Rowan, Rudd, Shepard, Slaughter, South, Stapp, Todd, Trigg, Turner, Ward, Wickliff, Woods and Yantis—58.

The following amendment was then attached to said bill by way of ryder, viz :

*And be it further enacted*, That this act shall not be so construed as to require the sheriff to summon any jurors to attend any circuit court, the term of which is by law assigned exclusively to the trial of chancery cases.

Mr. Rudd then moved further to amend said bill by attaching thereto the following engrossed clause by way of ryder, viz :

*Be it further enacted*, That when there shall be a failure of funds, as contemplated by this act, the court shall make an order specifying the time of service of each juror, and what he is entitled to receive ; which shall be paid out of the public treasury.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Rudd and M'Mahan, were as follows, to-wit :

Yeas—Messrs. Barrett, Booker, Bowman, Breckenridge, Caldwell, Cotton, Cummins, Cunningham, Dallam, Davenport, Davis, Dollerhide, Eggleston, Gaines, Gaither, Gilmore, Given, Green, Grundy, Helm, Hopson, Jameson, J. Jones, H. Jones, Lackey, Logan, Love, Marshall, Metcalfe, Monroe, M'Mahan, Reeves, Rudd, Spillman, S. Stevenson, Stapp, T. Stevenson, Trigg, True, Underwood, Wall, Ward, P. White, D. White, Wier, Wickliff, Woods and Yantis—48.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Carson, Clarke, Coburn, Cooke, Cox, Davidson, Duncan (of Lincoln) Ewing, Fleming, Ford, Garrison, Grant, Harrison, Hart, Hawkins, Hickman, Holman, Hornbeck, Hunter, Irvine, Mercer, Mills, M'Coun, M'Hatton, M'Millan, Owings, Parker, Robertson, Rowan, Shepard, Slaughter, South, Todd and Turner—37.

The question was then taken on the passage of said bill, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Gilmore and Holman, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Bowman, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Davenport, Davidson, Duncan, (of Lincoln,) Eggleston, Ewing, Fleming, Ford, Gaines, Gaither, Garrison, Given, Grant, Grundy, Hart, Hawkins, Helm, Hickman, Holman, Hornbeck, Hunter, Lackey, Logan, Love, Marshall, Mercer, Metcalfe, Mills, M'Coun, M'Hatton, Owings, Parker, Reeves, Robertson, Rowan, Rudd, Shepard, Slaughter, T. Stevenson, Todd, True, Turner, Wall, Ward, Wier and Woods—59.

Nays—Messrs. Booker, Caldwell, Dallam, Davis, Dollerhide, Gilmore, Given, Green, Harrison, Hopson, Jameson, J. Jones, H. Jones, Irvine, Monroe, M'Mahan, M'Millan, South, Spillman, S. Stevenson, Stapp, Trigg, Underwood, P. White, D. White, Wickliff and Yantis—27.

*Ordered*, That the title of said bill be amended to read, an act altering the mode of summoning petit jurors in this commonwealth, that mr. Holman carry said bill to the senate, and request their concurrence.

An engrossed bill entitled, an act further to regulate the general court, was read a third time.

Mr. Ewing moved to fill the blank in the sixth section of the bill with the sum of *fifteen hundred dollars*, as the salary to be allowed to the judge of the general court.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon, by messrs. South and Mills, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Breckenridge, Clarke, Coburn, Cox, Cummins, Dallam, Davenport, Ewing, Grant, Hunter, Marshall, Mills, M'Coun, Robertson, Rowan, Shepard, Todd, P. White and D. White—21.

Nays—Messrs. Barrett, Booker, Bowman, Caldwell, Carson, Cooke, Cotton, Cunningham, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Fleming, Ford, Garrison, Gilmore, Given, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hornbeck, Jameson, J. Jones, Lackey, Logan, Love, Metcalfe, Monroe, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rudd, Slaughter, South, Spillman, Stapp, T. Stevenson, Trigg, True, Turner, Underwood, Wall, Ward, Wier, Wickliff, Woods, and Yantis—59.

It was then moved and seconded to fill the said blank with *fourteen hundred dollars*.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. M'Millan and Green, were as follows, to-wit:

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Breckenridge, Clarke, Coburn, Cox, Cummins, Dallam, Davenport, Ewing, Gaines, Grant, Hunter, Logan, Marshall, Mills, M'Coun, Robertson, Shepard, Todd, P. White and D. White—23.

Nays—Messrs. Barrett, Booker, Bowman, Caldwell, Carson, Cooke, Cotton, Cunningham, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Fleming, Ford, Garrison, Gilmore, Given, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hornbeck, Jameson, J. Jones, Lackey, Love, Metcalfe, Monroe, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rudd, Slaughter, South, Spillman, Stapp, T. Stevenson, Trigg, True, Turner, Underwood, Wall, Ward, Wier, Wickliff, Woods and Yantis—58.

It was then moved and seconded to fill the said blank with the sum of *twelve hundred dollars*.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Rudd and M'Millan, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Book-



er, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Eggleston, Ewing, Fleming, Ford, Gaines, Gilmore, Given, Grant, Hickman, Holman, Hunter, H. Jones, Lackey, Logan, Love, Marshall, Metcalfe, Monroe, M'Coun, M'Hatton, Owings, Parker, Robertson, Shepard, Slaughter, T. Stevenson, Todd, Underwood, Wall, P. White, D. White, Wier and Yantis—50.

Nays—Messrs. Barrett, Bowman, Cooke, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Garrison, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hopson, Hornbeck, Jameson, J. Jones, Mills, M'Mahan, M'Millan, Reeves, Rudd, South, Spillman, S. Stevenson, Stapp, Trigg, True, Turner, Ward, Wickliff and Woods—33.

The question was then taken on the passage of said bill upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. South and Helm, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Booker, Breckenridge, Carson, Clarke, Coburn, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Ewing, Fleming, Ford, Gaines, Given, Grant, Hickman, Holman, Hunter, H. Jones, Lackey, Logan, Marshall, Metcalfe, Monroe, M'Coun, M'Hatton, Owings, Parker, Robertson, Shepard, Slaughter, T. Stevenson, Todd, Underwood, Wall, P. White, D. White, Wier and Yantis—46.

Nays—Messrs. Barrett, Bowman, Caldwell, Cooke, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Garrison, Gilmore, Goode, Green, Grundy, Harrison, Hawkins, Helm, Hopson, Hornbeck, Jameson, J. Jones, Love, Mills, M'Mahan, M'Millan, Reeves, Rudd, South, Spillman, S. Stevenson, Stapp, Trigg, True, Turner, Ward, Wickliff and Woods—36.

*Ordered*, That the title of said bill be amended, by adding thereto the words, and for other purposes ;

And that mr. Breckenridge carry the said bill to the senate, and request their concurrence.

And then the house adjourned.

#### THURSDAY, JANUARY 16, 1817.

The petition of a majority of the county court of Fayette, praying that a law may pass authorizing them to lease out a part of the public square in Lexington : and

The petition of the trustees of the town of Lexington, pray-

ing that their power so far as it respects tippling houses and slaves, may be increased:

Were severally received, read, and refered; the first to a select committee of messrs. Breckenridge, Parker, True and Todd; and the second to a select committee of messrs. Breckenridge, Parker, South, Todd, M'Millan, Barbour, Blackburn, Coburn, Robertson and Helm, giving said committees leave to report thereon by bill or otherwise.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have passed bills from this house of the following titles:

An act authorizing the Floyd county court to sell part of their public square; an act to incorporate the Stanford library company; an act for the benefit of John M'Combs; an act to prevent the circulation of private notes in this commonwealth; an act for the relief of Nehemiah Cravens; and an act for the relief of Esther Smiley; with amendments to each of the four latter:

And they have adopted resolutions on the lieutenant governor's message relative to internal navigation.

In which amendments and resolution they request the concurrence of this house.

And then he withdrew.

Mr. Underwood from the joint committee of enrollments reported that the committee had examined enrolled bills and a resolution of the following titles:

An act for the relief of Zilpha Hix, and the heirs of Richard Hix, deceased; an act to ascertain and mark the division line between the counties of Franklin and Woodford; an act adding part of Bourbon county to the county of Nicholas—also, a part of Nicholas to the county of Harrison; an act to amend an act entitled an act to regulate the town of Greensburg; an act to authorize the insertion of certain advertisements in the National Pulse, The Commentator, and The Guardian of Liberty; an act for establishing the town of Perryville; an act to authorize the trustees of the town of Bowling Green to levy and collect a tax not exceeding two hundred dollars; an act further to regulate the Christian Academy, and to amend the law establishing an academy in the county of Caldwell; an act to amend an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis, approved December 21st, 1816; and resolutions proposing an article of amendment to the constitution of the United States.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Underwood inform the senate thereof.

Mr. Turner from the select committee to whom was referred, a bill to establish an election precinct in the county of Clay, reported the same with an amendment,

Which being twice read was concurred in.

*Ordered*, That the said bill with the amendments be engrossed and read a third time to-morrow.

On the motion of mr. Hunter :

*Ordered*, That leave be given to bring a bill to alter the time of holding the chancery term of the Jefferson circuit court ; and that messrs. Hunter, Barbour and Logan, be appointed a committee to prepare and bring in the same.

Mr. Hunter immediately presented a bill under the title aforesaid, which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, and the same being engrossed ;

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Hunter carry the said bill to the senate, and request their concurrence.

Mr. Reeves read and laid on the table the following resolution, to-wit :

*Resolved*, By the general assembly of the commonwealth of Kentucky, That the auditor of public accounts be directed to make out a transcript of all the head right lands sold to individuals at the sale of lands which commenced in November last, the number of acres sold, the names of the original holders, the number of the certificate, by whom purchased, and for what amount each claim was sold ; which he shall deliver to the public printers, whose duty it shall be to print 900 copies thereof.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read, and concurred in.

*Ordered*, That mr. Reeves carry the said resolution to the senate, and request their concurrence.

The house took up a bill for the better regulation of the town of Port William, in the county of Gallatin, and the second reading thereof being dispensed with,

*Ordered*, That the said bill be re-committed to a select com-

mittee of messrs. Todd, Blackburn, M'Hatton and Breckenridge.

On the motion of mr. Booker :

*Ordered*, That the committee of the whole house on the state of the commonwealth, be discharged, from the further consideration of a bill to extend an act entitled an act further to suspend law process in certain cases, and that the same be placed in the orders of the day.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth ; mr. M'Millan in the chair ; which being resumed by the speaker, mr. M'Millan reported, that the committee had according to order had under consideration a motion for leave to bring in a bill to coerce the banks and insurance company of Kentucky to pay out specie for their bills when presented for payment : and had gone through the same without amendment, and had adopted the following resolution which he handed in at the clerk's table, to-wit :

*Resolved*, By the house of representatives, that leave ought not to be given to bring in a bill to coerce the banks and insurance company of Kentucky, to pay specie for their bills when presented for payment.

Mr. Booker then moved to amend said resolution by striking out the word, "not," in the first time.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon, by messrs Booker and Harrison, were as follows, to-wit :

Yeas--Messrs. Barrett, Booker, Bowman, Caldwell, Carson, Dollerhide, Duncan (of Lincoln) Gaither, Garrison, Gilmore, Goode, Grant, Green, Grundy, Harrison, Helm, Hopson, Holman, Lackey, Metcalfe, South, Spillman, S. Steveson, Stapp, True, Underwood, Wall, Wier and Wickliff--29.

Nays--Mr. Speaker; messrs. Armstrong, Barbour, Blackburn, Breckenridge, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Dallam, Davidson, Davis, Eggleston, Ewing, Fleming, Ford, Gaines, Hart, Hawkins, Hickman, Hornbeck, Hunter, Jameson, H. Jones, Irvine, Logan, Love, Marshall, Mereer, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Rice, Robertson, Rowan, Shepard, T. Stevenson, Trigg, Turner, Ward, P. White, D. White, Woods and Yantis--52.

Mr. Cooke then moved to postpone the said resolution and motion for leave aforesaid, until the 4th day of March next ;



And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Grundy and Cooke, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Blackburn, Breckenridge, Clarke, Coburn, Cooke, Cotton, Cox, Cunningham, Dallam, Davidson, Davis, Eggleston, Ewing, Fleming, Ford, Gaines, Given, Hart, Hawkins, Hickman, Hornbeck, Hunter, Jameson, H. Jones, Irvine, Logan, Love, Marshall, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rice, Rowan, Shepard, Trigg, Turner, Ward, P. White, D. White and Woods—48.

Nays—Messrs. Barrett, Booker, Bowman, Caldwell, Carson, Dollerhide, Duncan (of Lincoln) Gaither, Gilmore, Goode, Grant, Green, Grundy, Harrison, Helm, Hopson, Holman, Lackey, Metcalfe, South, Spillman, S. Stevenson, Stapp, True, Underwood, Wall, Wier, Wickliff and Yantis—29

And then the house adjourned.

#### FRIDAY, JANUARY 17, 1817.

Mr. Blackburn from the select committee to whom was refered, a letter from James M. Johnson, exhibiting charges against John Pursley, a justice of the peace for Christian county; and praying his removal from office, made the following report, to-wit :

The select committee to whom the letter of James M. Johnson, exhibiting charges against John Pursley, justice of the peace for Christian county, was refered; have had the same under consideration and ask leave to report.

That they issued a summons against him, requiring him to appear before them, to answer to said charges; which summons being returned executed; there was delivered to your committee the following paper :

Be it known by these presents, That I John Pursley, do this day resign my office as justice of the peace for the county of Christian. Witness my hand this 1st day of January, 1817.

JOHN PURSLEY.

To His Excellency,

Gabriel Slaughter,

governor of Kentucky.

Intended as your committee, believe as the resignation of

the said John Pursley, and no doubt understood by him as such : but as the law pointing out the mode by which a justice of the peace shall resign his office, requires that he shall file it in the clerk's office of the county in which he is a justice of the peace, and that the clerk's certificate shall be evidence of his resignation, your committee cannot receive the paper, made part of this report, as conclusive evidence of his resignation, but they believe it sufficient evidence of his intention to resign ; and they are further assured by a letter from said Pursley, addressed to the chairman of the committee, and from a source in which they have entire confidence, that he would have resigned in the clerk's office if he had not been prevented by sickness, and that he will do so as soon as his health is restored ; wherefore

*Resolved*, As the opinion of this committee, that it is unnecessary to proceed *further* in the examination.

Which being twice read, was concurred in.

Mr. M'Millan from the select committee appointed for that purpose, reported a bill relative to the register's office ;

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house being dispensed with, the said bill was read a second time.

Mr. South then moved to amend said bill by striking out the 1st section thereof, after the enacting clause, and the enacting clause of the second section, which was read as follows, to-wit :

§ 1. *Be it enacted*, by the general assembly of the commonwealth of Kentucky, That the register of the land office be authorized and required, to make out a complete alphabet to the surveys on the treasury warrants, registered since the first day of June, 1792 ; also an alphabet to the grants issued thereon ; also an alphabet to the record of surveys made on the head-right claims derived under the laws of Kentucky.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. South and M'Millan, were as follows, to-wit :

Yeas—Messrs. Caldwell, Dollerhide, Duncan (of Lincoln) Jameron, Owings and South—6.

Nays—Mr. Speaker ; messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Daltam, Davidson, Davis, Eggleston, Ewing, Ford, Gaines, Gaither, Garrison, Gilmore, Given, Grant, Green, Grundy,

Hart, Hawkins, Helm, Hickman, Hopson, Holman, Hornbeek, Hunter, J. Jones, H. Jones, Irvine, Lackey, Logan, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Coun, M<sup>r</sup>. Hatton, M'Mahan, M'Millan, Parker, Reeves, Rice, Robertson, Rudd, Shepard, Slaughter, S. Stevenson, Stapp, T. Stevenson, Todd, Trigg, True, Turner, Underwood, Wall, Ward, P. White, Wickliff, Woods and Yantis—73.

*Ordered*, That the said bill be engrossed, and read a third time.

And thereupon the rule of the house, and third reading of said bill being dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. M'Millan carry the said bill to the senate, and request their concurrence.

Mr. Blackburn from the select committee appointed for that purpose, made the following report, to-wit :

The select committee to whom the petition of Jeremiah Wilson, and Thomas Wilson, praying for leave to erect a dam across the Kentucky river at their mill, for the purpose of making their mill more valuable to themselves, and more serviceable to the community was referred; have had the same under consideration, and after making the most strict examination as to the effect the erection of a dam agreeable to the prayer of said petitioner, would have upon the navigation of said stream; your committee have no doubt the erection of said dam would be of great advantage to the petitioners, and would to a considerable extent, benefit the individuals in the vicinity of said mill: but as your committee are of opinion that no personal advantage or convenience to a small portion of the community, ought to induce the legislature to risk the putting any obstruction in a navigable stream, and fearing that said dam if erected, might injure the navigation; it is therefore,

*Resolved*, as the opinion of this committee, That said petition, be rejected.

Which being twice read, was concurred in.

On the motion of mr. Birney :

*Ordered*, That leave be given to bring in a bill authorizing the sale of part of the ground formerly devoted to public uses in the town of Danville ;

And that messrs. Birney, M'Coun and Marshall, be appointed a committee to prepare and bring in the same.

The house took up an engrossed bill entitled, an act concerning commonwealth's attornies, and the amendment reported

thereto by the select committee to whom said bill was referred, and the said amendment was amended, to read as follows, to-wit :

That from and after the first day of March next, the respective circuit courts having jurisdiction in the several counties, shall appoint attorneys for the commonwealth for each circuit respectively, agreeably to the last clause of the twenty third section of the third article of the constitution of this State ; and in making such appointments the court shall prefer residents of the county ; but if a proper appointment cannot be made out of the attorneys resident in any county, the court may make a temporary appointment of some attorney residing out of the county, which shall perform the duties of the attorney for the commonwealth, until a permanent appointment of one residing in the county can be made.

*Be it further enacted,* That before or during the last term of the circuit courts in each county in this state, the clerk of the county court, shall annually lay before the circuit court the number of tithables in his county properly certified; and thereupon the circuit court shall make annually an allowance to the attorney for the commonwealth in the circuit court, not exceeding        dollars for each thousand tithables the county may contain, which shall be certified by the court and paid from the public treasury, by virtue of a warrant from the auditor of public accounts : *Provided, however,* that if any county shall not contain one thousand tithables, it shall be counted equal to that number.

*Be it further enacted,* That this act shall not be construed to effect any judge whose circuit may be changed by the present or any future act of the legislature.

Mr. Blackburn then moved to fill the blank in the second section of said amendment, with the sum of "forty dollars,"

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Blackburn and Fleming, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Barrett, Birney, Blackburn, Bowman, Breckenridge, Cooke, Cotton, Cox, Cunningham, Davenport, Davis, Eggleston, Fleming, Ford, Hart, Holman, Lackey, Shepard, Slaughter, Wall and Ward—22.

Nays—Messrs. Armstrong, Barbour, Booker, Carson, Clarke, Coburn, Cummins, Dallam, Davidson, Dollerhide, Duncan (of Lincoln) Ewing, Gaither, Garrison, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hawkins, Helm, Hickman, Hopson, Hornbeck, Hunter, Jameson, J.



Jones, H. Jones, Irvine, Logan, Love, Marshall, Mereer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rice, Robertson, Rowan, Rudd, South, S. Stevenson, Stapp, T. Stevenson, Todd, Trigg, True, Turner, Underwood, P. White, D. White, Wier, Wickliff, Woods and Yantis—64.

Mr. Underwood then moved to amend the said amendment by striking out the second section thereof after the enacting clause, and inserting in lieu thereof the following :

Attornies for the commonwealth shall receive for their services respectively, to be paid out of the public treasury and a sum not exceeding        dollars, for every prosecution of any person who shall be indicted for a crime, the punishment of which is confinement in the Penitentiary or death; and not exceeding        dollars, for all indictments or informations, tried by a jury for offences not punishable with death or confinement in the Penitentiary, and        dollars for every presentment tried by a jury, to be paid by the person convict.

And also to attach thereto, the following as a third section to-wit :

*And be it further enacted*, That the circuit courts at each term, shall ascertain the sum due each attorney for the commonwealth, in pursuance of the section last aforesaid, which shall be certified by the clerk of the court to the auditor who shall give the attorney a warrant on the treasury for the amount.

And the question being taken thereon, it passed in the affirmative.

The original bill was also read as follows to-wit :

*An act concerning Commonwealth's Attornies.*

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That the act passed the 23rd of January, 1813, entitled, an act concerning commonwealth's attornies, shall be and the same are hereby continued in force for two years, from and after the end of the present session.

Sec. 2. *Be it further enacted*, That whenever there shall be an additional circuit judge or judges appointed, that it shall be the duty of the governor, to appoint one other additional attorney for each judge's circuit so appointed, who shall perform the same services, and receive the same compensation therefor, as the present attornies for the commonwealth for the circuit courts are now entitled to by law.

The question was then taken on adopting the said amend-

ment as amended, in lieu of the original bill ; upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Fleming and Underwood, were as follows, to-wit:

Yeas—Messrs. Armstrong, Barbour, Barrett, Booker, Bowman, Caldwell, Carson, Clarke, Coburn, Cox, Dollerhide, Eggleston, Ewing, Garrison, Gilmore, Grant, Grundy, Helm, Hickman, Hopson, Holman, Hunter, J. Jones, H. Jones, Lackey, Logan, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Coun, Parker, Reeves, Rice, Robertson, Rudd, Shepard, South, S. Stevenson, T. Stevenson, Todd, Trigg, True, Turner, Underwood, Wall, D. White, Woods and Yantis—50.

Nays—Mr. Speaker ; messrs. Birney, Blackburn, Breckenridge, Cotton, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Duncan, (of Lincoln) Fleming, Ford, Gaines, Gaither, Given, Goode, Green, Harrison, Hart, Jameson, Irvine, Love, M'Millan, Rowan, Slaughter, Stapp, Ward, P. White, Wier and Wickliff—32.

*Ordered*, That the said bill as amended, be re-engrossed and again read a third time to-morrow.

A message from the senate by mr. Ewing :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act for the relief of Hugh Henderson and others.

And then he withdrew.

A message from the senate by mr. Owens :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles :

An act to alter the time of holding the chancery term of the Jefferson circuit court; an act authorizing Rudolph Neet, to build a mill on Green river; an act for the relief of John Goodlett; and resolutions relative to the free navigation of the river Mississippi, with amendments to the three latter; and they have passed bills of the following titles :

An act to establish and regulate the town of Rossborough, in Daviess county; an act concerning the turnpike and wilderness road; and an act further to regulate the Robertson academy, in Adair county; in which amendment and bills they request the concurrence of this house.

And then he withdrew.

Mr. Underwood from the joint committee of enrollments, reported that the committee did on yesterday, deposit in the office of the secretary of state, for the approbation and sig-

nature of the lieutenant governor, the enrolled bills and resolution signed by the speaker of this house on yesterday.

An engrossed bill entitled, an act to amend the penal laws of this commonwealth, was read a third time, and the blank thereon filled.

The question was then taken on the passage thereof, upon which it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Mills and M'Millan, were as follows, to-wit:

Yeas—Messrs. Blackburn, Booker, Carson, Clarke, Cox, Cunningham, Davis, Dollerhide, Duncan (of Lincoln) Eggleston, Ewing, Ford, Garrison, Gilmore, Given, Goode, Grant, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, Jameson, Irvine, Lackey, Metcalfe, Mills, M'Coun, M'Mahan, M'Millan, Parker, Rice, Robertson, Rudd, Shepard, Slaughter, South, S. Stevenson, Trigg, Turner, Underwood, Wall, Ward, D. White, Wier and Woods—49.

Nays—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Bowman, Breckenridge, Caldwell, Coburn, Cooke, Cotton, Cummins, Dallam, Davenport, Davidson, Fleming, Gaines, Gaither, Gaither, Green, Hornbeck, Hunter, J. Jones, H. Jones, Logan, Love, Marshall, Mercer, Monroe, Owings, Reeves, Rowan, Stapp, T. Stevenson, Todd, True, P. White and Wickliff—36.

*Ordered*, That the title of said bill be amended to read, an act to amend the penal laws of this commonwealth, and to suppress the practice of gaming;

And that mr. Mills carry the said bill to the senate, and request their concurrence.

Engrossed bills of the following titles:

1st. An act to incorporate the Hope Distillery Company; 2nd, an act for the benefit of certain delinquent militia of the 38th regiment; 3rd, An act for the benefit of the heirs of William Morgan, deceased; 4th, an act repealing so much of the act entitled an act to improve the navigable streams as relates to the county of Hardin; 5th, an act for the benefit of the heirs of John Jackson, deceased; 6th an act concerning the town of Versailles; 7th, an act authorizing the sale of part of the public square in the town of Harrodsburg; 8th, an act for the benefit of the heirs of Sarah Ward, deceased; and 9th, an act for the relief of certain sheriffs of this commonwealth:

Were severally read a third time.

*Resolved*, That the said bills do pass, and that the titles of the



first, second, third, seventh, eight and ninth bills, be as aforesaid ; that of the fourth be amended to read, an act relative to the stream of Nolin, in Hardin county ; that of the fifth, be amended to read, an act for the benefit of the heirs of John Jackson, and James W. Brand, deceased ; and that of the sixth, be amended to read, an act concerning the towns of Versailles and Glasgow.

*Ordered*, That mr. Hunter carry the first ; and mr. Blackburn the remaining bills to the senate, and request their concurrence.

The orders of the day being dispensed with :

Mr. Rowan read and laid on the table, the following resolutions, to-wit :

#### RESOLUTIONS.

*In relation to the law increasing the compensation to members of Congress.*

The report of the committee raised by congress to enquire into the expediency of modifying or repealing the law enacted at their last session, whereby the compensation to the members of that body for their legislative services was varied and enhanced, treats the sentiment expressed by the American people in relation to that measure, with a disrespect and irreverence but little short of undisguised contempt. It is to be regretted that a measure injurious and impolitic, and justly reprobated by the matured opinion of the people, should be vindicated with a contumelious pertinacity throughout all the stages of its abandonment, if indeed it is destined to be abandoned. But while we forbear to comment upon that document and suppress the feelings, other than those of regret, which it is calculated to excite, we cannot forbear to express our wish for the repeal of that obnoxious law. We say obnoxious ; for having but just emerged from a war of considerable duration, which, though glorious in event, was afflictive and expensive in its progress, it was to be expected that our representatives in congress would display practically that patriotism which they had so often avowed, in sustaining cheerfully their equal share of the common pressure ; that they would not, while necessity and policy forbade the taxes to be repealed, or even much diminished, have changed the character, and doubled the amount of their own compensation. Justly obnoxious, because it may form a precedent by the authority of which inroads may in future be made upon the public treasury in times less pure and patriotic than the present : In times when cupidity and avarice shall have triumphed over delicacy and correct sentiment. The retroac-



tive operation of that law cannot, we think, be vindicated. In that respect, it violated a great principle of political and moral fitness which has, by the wisdom of the American people, been incorporated in most of their free constitutions: But most justly obnoxious in its change of the per diem into an annual compensation. In this the representative principle, the most highly characteristic feature of republicanism seems to have been forgotten or neglected; for all experience and the history of governments prove that oppression finds its way most frequently through official channels to the people; that among the members of the official corps in every government there have been harmony of sentiment and sympathy of feeling in relation to power and to money; that under various specious pretext, the one has been accumulated, and the other exacted, until the people have been weakened and impoverished, and consequently oppressed and enslaved. When the representatives of the people, who are their sentinels against danger from official and other sources, shall have erected themselves into salaried officers, other representatives are wanting to supply the place of those who have attached themselves to the body whence danger is most to be apprehended: Wherefore,

*Resolved*, as the opinion of the members of the legislature of the commonwealth of Kentucky, that the law aforesaid is intrinsically and justly obnoxious, and ought to be repealed.

*And it is further resolved*, That our senators and representatives in the congress of the United States, (to whom upon that subject, gross error of judgment and not turpitude of motive is ascribed,) be, and they are hereby requested to use their best influence to procure the unqualified repeal of that law.

*Resolved*, That the acting governor be, and he is hereby requested to transmit to each of our senators and members of the house of representatives in the congress of the United States, a copy of the foregoing statement and resolutions.

And then the house adjourned.

SATURDAY, JANUARY 18, 1817.

The petition of sundry citizens of this commonwealth, representing that they are desirous of engaging in exporting the produce of this state, if proper encouragement was given them; and praying that a law may pass to incorporate them

by the name and style of the *Western Commercial Company*; and

The petition of Henry Martin, of Casey county, praying that a law may pass, remitting to him the state price on 100 acres of land, on which he resides in said county, and the emanation of a grant to him therefor:

Were severally received, read, and referred: the first to a select committee of messrs Blackburn, Breckenridge, P. White, Marshall and T. Stevenson; and the 2nd to a select committee of messrs. Goode, Dollerhide, Todd and Monroe, giving said committees leave to report by bills or otherwise.

A message from the lieutenant Governor, by Mr. Pope, his secretary:

*Mr. Speaker,*

The lieutenant governor did on yesterday sign enrolled bills, which originated in this house, of the following titles:

An act to authorize the trustees of the town of Bowling Green, to levy and collect a tax not exceeding two hundred dollars.

An act to amend an act entitled an act establishing election precincts in the counties of Washington, Knox, Fleming and Lewis, approved Dec. 21st 1816.

An act to ascertain and mark the division line between the counties of Franklin and Woodford.

An act for the relief of Zilpha Hix, and the heirs of Richard Hix, deceased.

An act to amend the act entitled an act to regulate the town of Greenburg.

An act further to regulate the Christian Academy, and to amend the law establishing an academy in the county of Caldwell.

An act adding a part of Bourbon county to the county of Nicholas; also a part of Nicholas to the county of Harrison.

An act to authorize the insertion of advertisements in *The National Pulse*, *The Commentator* and *the Guardian of Liberty*.

An act for establishing the town of Perryville.

And then he withdrew.

*Ordered*, That Mr. Wall, inform the senate thereof.

Mr. Parker from the joint committee appointed to examine the state of the bank of Kentucky, made the following report, to-wit:

The joint committee from the senate and house of repre-

representatives appointed to examine the bank of Kentucky and its branches, have performed that duty.

Your committee are of opinion, the institution has been safely managed by its directors, in relation to the quantity of paper kept in circulation, no doubt with a view to the resumption of specie payments, when the simultaneous acts of other banks in that respect would justify that policy, while at the same time, it has been made to produce a profitable dividend to the state.

Your committee believing that a further diminution of its paper, which constitutes the principal circulating medium of the country at this time, would be unnecessary, as it appears to your committee, the bank has ample means within its power without hazarding by any means the true interest of the institution, as will appear from a statement of the bank and its branches, furnished your committee, and here referred to as a part of this report.

The stock allowed for individuals with the exception of a few shares, has been subscribed; of the states' stock, there remains unsubscribed near ten thousand four hundred and twenty-two shares, which might be disposed of, should it be deemed expedient to increase the active capital of the bank.

|                     |                     |   |
|---------------------|---------------------|---|
| SAMUEL CHURCHILL,   | F. C. SHARP,        | } <i>Of the Senate.</i>                   |
| JAMES CHAMBERS,     | JAS. HILLYAR,       |   |
| JAS. GARRARD, jr.   |                     |   |
| JOHN PARKER,        | JAS. ROBISON,       | } <i>Of the house of representatives.</i> |
| J. ARMSTRONG,       | D. WHITE, jr.       |   |
| J. G. BIRNEY,       | M. HOPSON,          |   |
| J. C. BRECKENRIDGE, | T. D. OWINGS,       |   |
| ROBT. BARRETT,      | S.T. DAVENPORT, jr. |   |

STATEMENTS OF THE SITUATION OF THE BANK OF KENTUCKY  
AND ITS BRANCHES.

OF THE BANK OF KENTUCKY, 31st Dec'r, 1816.

|                                   |              |
|-----------------------------------|--------------|
| Stock,                            | \$441,775 10 |
| Debts due to the Bank,            | 997,593 21   |
| Monies deposited in do.           | 417,450 12   |
| Notes of the Bank in circulation, | 431,249 16   |
| Cash on hand,                     | 320,224 95   |

OF THE WASHINGTON BRANCH BANK, 15th Dec'r, 1816.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 200,000    |
| Debts due to the Branch,            | 390,923 84 |
| Monies deposited in do.             | 59,919 79  |
| Notes of the Branch in circulation, | 197,384 50 |
| Cash on hand,                       | 70,088 15  |

## OF THE PARIS BRANCH BANK, 15th Dec'r, 1816.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 110,000 00 |
| Debts due to the Branch,            | 209,140 53 |
| Monies deposited in ditto,          | 83,933 37  |
| Notes of the Branch in circulation, | 98,266 67  |
| Cash on hand,                       | 89,870 63  |

## OF THE LEXINGTON BRANCH BANK, 15th Dec'r, 1816.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 250,000    |
| Debts due to the Branch,            | 554,456 68 |
| Monies deposited in the Branch,     | 332,346 46 |
| Notes of the Branch in circulation, | 156,798 00 |
| Cash on hand,                       | 187,652 43 |

## OF THE WINCHESTER BRANCH BANK, 15th Dec'r. 1816.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 100,000    |
| Debts due the branch,               | 200,329 17 |
| Monies deposited in ditto,          | 12,010 06  |
| Notes of the Branch in circulation, | 121,630    |
| Cash on hand,                       | 38,084 73  |

## OF THE RICHMOND BRANCH BANK, 15 Dec'r. 1816.

|                            |            |
|----------------------------|------------|
| Stock,                     | 100,000 00 |
| Debts due to the branch,   | 185,231 75 |
| Monies deposited in ditto, | 17,136 55  |
| Notes in circulation,      | 93,969 00  |
| Cash on hand,              | 29,885 11  |

## OF THE DANVILLE BRANCH BANK, 15 Dec'r. 1816.

|                              |            |
|------------------------------|------------|
| Stock,                       | 110,000    |
| Debts due to the branch,     | 203,542 15 |
| Monies deposited in do.      | 40,560 33  |
| Notes of do. in circulation, | 93,690 00  |
| Cash on hand,                | 62,095 75  |

## OF THE BARDSTOWN BRANCH BANK, 15 Dec'r. 1816

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 110,000 00 |
| Debts due to the branch,            | 256,002 69 |
| Monies deposited in do.             | 100,300 25 |
| Notes of the branch in circulation, | 109,946 41 |
| Cash on hand,                       | 64,243 06  |

## OF THE SHELBYVILLE BRANCH BANK, 15 Dec'r. 1816

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 100,000 00 |
| Debts due to the branch,            | 189,542 00 |
| Monies deposited in do.             | 23,068 62  |
| Notes of the branch in circulation, | 96,913 50  |
| Cash on hand,                       | 35,758 15  |

## OF THE LOUISVILLE BRANCH BANK, 15 Dec'r. 1816.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 200,000 00 |
| Debts due to the branch,            | 400,600 26 |
| Monies deposited in do.             | 195,766 32 |
| Notes of the branch in circulation, | 248,613 45 |
| Cash on hand,                       | 234,717 51 |



## OF THE RUSSELLVILLE BRANCH BANK, 15 Dec'r. 1815.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 136,000 00 |
| Debts due to the branch,            | 287,243 71 |
| Monies deposited in do.             | 70,549 22  |
| Notes of the branch in circulation, | 137,544 89 |
| Cash on hand,                       | 64,944 05  |

## OF THE HOPKINSVILLE BRANCH BANK, 15 Dec'r. 1816.

|                                     |            |
|-------------------------------------|------------|
| Stock,                              | 100,000 00 |
| Debts due to the branch,            | 193,134 91 |
| Monies deposited in do.             | 11,285 02  |
| Notes of the branch in circulation, | 111,552 25 |
| Cash on hand,                       | 55,584 74  |

The above statements of the situation of the Bank of Kentucky and its branches, at the dates annexed to them respectively, is respectfully submitted to the joint committee of both houses of the legislature by their obedient servant,

ROBERT ALEXANDER, *Pre'st.*

Which was received and read.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Rowan from the committee for courts of justice—1st, a bill for the benefit of Caty and Rosa Bennett. By mr. Breckenridge—2nd, a bill authorizing the county court of Fayette to levy and collect a tax not exceeding three thousand dollars, for the benefit of the Fayette hospital. By mr. Birney—3rd, a bill authorizing the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville academy ; and by mr. Yantis—4th, a bill to provide for the collection of the revenue of Hopkins county for the year 1815.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second readings of said bills being dispensed with, the said bills were severally ordered to be engrossed and read a third time, the latter on Monday next :

And thereupon the rule of the house, and third readings of the 1st, 2nd and 3rd bills being dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof, be as aforesaid.

*Ordered*, That mr. Breckenridge carry the first and second, and mr. Birney the third bill to the senate, and request their concurrence.

Leave was given to bring in the following bills :

On the motion of mr. Yantis—1st, a bill to dispose of Bibb's Reports ; and on the motion of mr. Underwood—2nd, a bill to amend an act entitled an act to amend the act to ascertain the boundaries of and for processioning lands.

Messrs. Yantis, Birney, Mills, Blackburn and Underwood, were appointed a committee to prepare and bring in the first; and messrs. Underwood, Yantis, Reeves and Dallam, the second.

Mr. Parker moved for leave to bring in a bill to incorporate the Lexington Brewery company; and the question being taken on giving leave to bring in said bill, it passed in the negative.

*Ordered*, That the second and third readings of a bill for the better regulation of the town of South Frankfort, be dispensed with, and the same being engrossed, and the blanks therein filled.

*Resolved*, That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That mr. Marshall carry the said bill to the senate, and request their concurrence.

Engrossed bills of the following titles:

1st, An act for the benefit Sarah Allen Tharpe, and the heirs of William Allen Tharpe, deceased; 2nd, an act to regulate the powers and duties of sheriffs, magistrates and constables; 3rd, an act for the relief of the devisees of Ludowick Oneall; 4th, an act to amend the act for the benefit of actual settlers; also to amend the act appropriating the vacant lands of this commonwealth; 5th, an act for the benefit of William Marrs and Thomas Philips; and 6th, an act to establish an election precinct in the county of Clay:

Were severally read a third time, and the second and fourth bills amended by way of engrossed ryders.

*Resolved*, That the 1, 2, 4, 5 and 6th bills do pass, that the title of the first be amended to read, an act for the benefit of the widow and heirs of Abraham Rainey, deceased; that of the fifth be amended by expunging therefrom the words, and Thomas Philips; and that of the sixth be amended to read, an act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes; and that those of the second, third and fourth be as aforesaid.

*Ordered*, That mr. Todd carry the said bills to the senate, and request their concurrence.

An engrossed bill entitled, an act concerning commonwealth's attornies, was read a third time as follows, to-wit:

Sec. 1. *Be it enacted by the general assembly of the commonwealth of Kentucky*, That from and after the first day of March next, the respective circuit courts having jurisdiction in the several counties, shall appoint attornies for the commonwealth for each circuit respectively agreeably to the last

clause of the twenty third section of the third article of the constitution of this state. And in making such appointments the court shall prefer residents of the county; but if a proper appointment cannot be made out of the attorneys resident in any county, the court may make a temporary appointment of some attorney residing out of the county who shall perform the duties of the attorney for the commonwealth, until a permanent appointment of one residing in the county can be made.

Sec. 2. *Be it further enacted*, That attorneys for the commonwealth, shall receive for their services respectively to be paid out of the public treasury ten dollars and a sum not exceeding fifteen dollars for every prosecution of any person who shall be indicted for a crime the punishment of which is confinement in the penitentiary or death, and not exceeding five dollars for all indictments or informations tried by a jury for offences not punishable with death or confinement in the Penitentiary, and two and a half dollars for every presentment tried by a jury, to be paid by the person convicted.

Sec. 3. *And be it further enacted*, That the circuit courts at each term shall ascertain the sum due each attorney for the commonwealth in pursuance to the section last aforesaid, which shall be certified by the clerk of the court to the auditor, who shall give the attorney a warrant on the treasury for the amount.

Sec. 4. *Be it further enacted*, That it shall be the duty of attorneys for the commonwealth to be appointed by this act to attend the examining courts of their several counties upon receiving reasonable notice.

The first blank in the second section of the said bill being filled with ten dollars.

Mr. Blackburn moved to fill the second blank with the sum of fifteen dollars.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Fleming and Blackburn, were as follows, to-wit:

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Bowman, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cooke, Cox, Cummins, Dallam, Davidson, Davis, Ewing, Hawkins, Hickman, Holman, Hunter, Jamison, J. Jones, H. Jones, Irvine, Lackey, Logan, Marshall, Metcalfe, Mills, Parker, Reeves, Robertson, Shep-

ard, Slaughter, T. Stevenson, Todd, Trigg, Underwood, Wall, P. White, D. White, Woods and Yantis—46.

Nays—Barrett, Cotton, Dollerhide, Duncan (of Lincoln) Fleming, Ford, Gaines, Garrison, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hart, Hopson, Love, Mercer, Monroe, M'Millan, Owings, Rice, Rowan, South, Spillman, Stapp, Turner, Wier and Wickliff—30.

The remaining blanks in the bill being filled :

The question was then taken on the passage of said bill; upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. M'Millan and South, were as follows, to-wit :

Yeas—Messrs. Armstrong, Barbour, Barrett, Booker, Bowman, Caldwell, Carson, Clarke, Coburn, Cooke, Ewing, Garrison, Grant, Grundy, Hickman, Hopson, Hunter, J. Jones, H. Jones, Lackey, Logan, Mercer, Metcalfe, Mills, Monroe, Parker, Reeves, Rice, Robertson, Shepard, South, Spillman, Todd, Trigg, Turner, Underwood, Wall, Ward, D. White, Woods and Yantis—41.

Nays—Mr. Speaker; messrs. Birney, Blackburn, Breckenridge, Cotton, Cox, Cummins, Dallam, Davidson, Davis, Dollerhide, Duncan (of Lincoln) Fleming, Ford, Gaines, Gaither, Gilmore, Given, Goode, Green, Harrison, Hart, Hawkins, Jameson, Irvine, Love, Marshall, M'Mahan, M. Millan, Owings, Rowan, Slaughter, Stapp, T. Stevenson, P. White, Wier and Wickliff—37.

Ordered, That the title of said bill be as aforesaid ;

And that Mr. Mills carry said bill to the senate, and request their concurrence.

And then the house adjourned.

## MONDAY, JANUARY 20, 1817.

The house took up resolutions in relation to the law increasing the compensation to members of congress :

Which being severally twice read, the first resolution was concurred in.

Mr. Mills then moved to amend the second resolution by striking out after the word "senators" in the first line to the word "requested" in the fourth line, and in lieu thereof to insert the words "*in congress be instructed and representatives.*"

And the question being taken thereon, it passed in the negative.



The yeas and nays being required thereon by messrs. Mills and Helm, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Blackburn, Breckenridge, Coburn, Cox, Cummins, Davenport, Dollerhide, Ewing, Fleming, Ford, Gaines, Garrison, Goode, Green, Hart, Hickman, Hopson, Hunter, Jameson, Irvine, Lackey, Metcalfe, Mills, M'Hatton, Parker, Rice, Robertson, Trigg, Turner, Underwood, Wall and Wier—35.

Nays—Messrs. Barrett, Birney, Booker, Caldwell, Carson, Clarke, Cotton, Dallam, Davidson, Davis, Duncan, (of Lincoln) Gaither, Gilmore, Given, Grant, Grundy, Harrison, Hawkins, Helm, Hornbeck, H. Jones, Logan, Love, Marshall, Mercer, Monroe, M'Mahan, M'Millan, Reeves, Rowan, Rudd, Shepard, South, S. Stevenson, Stapp, Todd, Ward, D. White, Woods and Yantis—40.

Mr. Logan then moved to amend the second resolution by expunging therefrom the words included in the parenthesis, to-wit: *(To whom, upon that subject, gross error of judgment, and not turpitude of motive, is ascribed.)*

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Helm and Logan, were as follows, to-wit:

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Bowman, Breckenridge, Clarke, Coburn, C. x, Cummins, Dallam, Davenport, Davidson, Dollerhide, Ewing, Fleming, Ford, Gaines, Goode, Green, Hart, Hopson, Hunter, Jameson, Irvine, Lackey, Logan, Marshall, Metcalfe, Mills, Monroe, M'Hatton, Parker, Reeves, Rice, Robertson, Rudd, Shepard, Stapp, Trigg, Turner, Underwood, Wall, Ward, D. White, Wier and Wickliff—49.

Nays—Messrs. Booker, Caldwell, Carson, Cotton, Davis, Duncan, (of Lincoln) Gaither, Garrison, Gilmore, Given, Grant, Grundy, Harrison, Hawkins, Helm, Hornbeck, J. Jones, H. Jones, Love, Mercer, M'Millan, Rowan, Slaught-ter, South, S. Stevenson, Todd, Woods and Yantis—28.

Mr. Booker then moved further to amend the second resolution by inserting after the word "*Senators*," in the first line thereof, the words "be instructed."

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. South and Booker, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Blackburn, Booker, Breckenridge, Coburn, Cox, Cummins, Dal-

Iam, Davenport, Dollerhide, Ewing, Fleming, Ford, Gaines, Garrison, Given, Goode, Green, Hart, Hickman, Hopson, Hunter, Jameson, Irvine, Lackey, Metcalfe, Mills, M'Hatton, M'Millan, Parker, Reeves, Rice, Robertson, South, S. Stevenson, Trigg, Turner, Underwood, Wall, Ward, Wier and Wickliff—44.

Nays—Messrs. Barrett, Birney, Bowman, Caldwell, Carson, Clarke, Cotton, Davidson, Davis, Duncan (of Lincoln) Gaither, Gilmore, Grant, Grundy, Harrison, Hawkins, Helm, Hornbeck, J. Jones, H. Jones, Logan, Love, Marshall, Mercer, Monroe, M'Mahan, Rowan, Rudd, Shepard, Slaughter, Spillman, Stapp, Todd, Woods and Yantis—35.

Mr. Helm then moved the following in lieu of the second resolution as amended, viz :

*And it is further resolved, That our senators and representatives in the Congress of the United States be, and they are hereby instructed to use their best influence to procure the unqualified repeal of that law.*

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Helm and Barrett, were as follows, to-wit :

Yeas—Messrs. Barrett, Bowman, Fleming, Ford, Green, Helm, Logan, Spillman, S. Stevenson and Wickliff—40.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cotton, Cox, Cummins, Dallam, Davenport, Davidson, Davis, Dollerhide, Duncan, (of Lincoln) Ewing, Gaines, Gaither, Garrison, Gilmore, Given, Goode, Grundy, Harrison, Hart, Hawkins, Hickman, Hopson, Hornbeck, Hunter, Jameson, J. Jones, H. Jones, Irvine, Lackey, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Hatton, M'Mahan, M'Millan, Parker, Reeves, Rice, Robertson, Rowan, Rudd, Shepard, Slaughter, South, Stapp, Todd, Trigg, Turner, Underwood, Wall, Ward, D. White, Wier, Woods and Yantis—69.

The second resolution as amended was then adopted.

The third resolution being amended by inserting after the word "that" in the first line, the words "his excellency," and before the word "requested" the word "respectfully," was concurred in.

Mr. Underwood then moved to amend the preamble, in the 14th line thereof, by inserting after the word *though*, in that line, the words *just in its origin and*.

The said amendment was then amended by inserting after the word *just*, the words *and necessary*.

The said amendment as amended was then concurred in.

Mr. Marshall then moved further to amend the said preamble by inserting before the word "wherefore" in the last line thereof, the following words, to-wit:

And this legislature must think, that had the members of Congress intended to indicate that decorous submission to the will of the people, so often professed, the course to be pursued was plain, simple and direct. An absolute and unmodified repeal of a law so justly odious, should have been followed by a respectful and contented receipt of that compensation which time had sanctioned, and which was sufficient to satisfy the economical desires of their predecessors; and a future congress, had the necessity been manifest, should have been permitted to modify and vary, and increase the compensation, not to operate and take effect retrospectively nor immediately, but after the intervention of an election.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Marshall and Helm, were as follows, to-wit:

Yeas—Messrs. Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Caldwell, Carson, Davidson, Dollerhide, Duncan, (of Lincoln) Ford, Gaither, Garrison, Gilmore, Given, Grant, Green, Harrison, Hawkins, Helm, Hopson, Hunter, H. Jones, Irvine, Lackey, Marshall, Mercer, Metcalfe, M'Coun, M'Hatton, M'Millan, Rice, Rowan, Rudd, Shepard, Slaughter, South, Spillman, S. Stevenson, Todd, Underwood, Ward, D. White, Wier, Wickliff and Yantis—47.

Nays—Mr. Speaker, messrs. Armstrong, Breckenridge, Clarke, Coburn, Cotton, Cox, Cummins, Dallam, Davenport, Ewing, Gaines, Goode, Grundy, Hart, Hickman, Hornbeck, Jameson, Logan, Love, Mills, M'Mahan, Parker, Robertson, Stapp, Trigg, Turner, Wall and Woods—29.

The said preamble was then further amended by inserting before the word "doubled" in the 19th line, the word "nearly."

The preamble as amended was then adopted.

Ordered, That Mr. Rowan carry the said preamble and resolutions to the senate and request their concurrence.

Mr. D. White from the select committee appointed to investigate certain charges against Thomas S. Wingate, a justice of the peace for Henry county, for malfeasance in office,

and praying his removal, made the following report and resolutions, to-wit:

The select committee appointed to enquire into sundry charges made known to the house of representatives against Thomas S. Wingate, a justice of the peace for the county of Henry, have performed the duty to them assigned, by calling the accused before them, together with sundry witnesses against him and in his favor; by examining all the testimony on both sides, and hearing the accused both by himself and counsel; and have after mature deliberation unanimously adopted the following report, to-wit:

It but seldom falls to the lot of enquiry or trying officers to have to record a blacker catalogue of crimes than is established by the evidence against the accused; and for the honor of human nature and the credit of that respectable and necessary body of magistracy, styled justices of the peace, your committee sincerely hope that such instances of depravity will very seldom occur. Your committee have not thought proper to report all the evidence in detail, because it is not contradictory or doubtful; but they have reported in the address accompanying this report, the facts which they know are indubitably established. They have therefore determined to recommend to the legislature to adopt an address of both branches, requiring from the executive a removal of the accused from office, agreeably to the provisions of the constitution; and to effectuate that object, they report for consideration the following resolution and address, to-wit:

*Resolved by the General Assembly of the Commonwealth of Kentucky, (two thirds of each branch concurring therein.) That Thomas S. Wingate, a justice of the peace in and for the county of Henry, ought to be removed from the office of justice of the peace; and that the following address be presented to his excellency Gabriel Slaughter lieutenant governor, acting as governor of this commonwealth, in order that said removal may be effected.*

*To His Excellency Gabriel Slaughter Lieutenant Governor, acting as Governor of the Commonwealth of Kentucky.*

According to the provisions of the constitution of this state the senate and house of representatives, (two thirds of both houses concurring,) present you this address, requiring you to remove from office Thomas S. Wingate, a justice of the peace in and for the county of Henry, for the following causes and reasons, which they have caused to be stated at length on the journals of both houses, to-wit:

First. The said Thomas S. Wingate while acting officially



as a justice of the peace under the commission he now holds, first rendered a judgment in favor of Andrew Buchanan for the sum of two dollars, against John Swift, when it was known to him that the consideration was gaming ; and speedily after rendering that judgment, the said Swift and Buchanan commenced playing and betting again on a game of cards; and after Buchanan had won two more dollars of Swift, the justice in question proposed to play the hand of Swift against Buchanan, to which Swift agreed ; the justice then extracted from Swift a promise, that if he, Swift, should lose on the play of the justice, he, the justice, should be permitted to render judgment against Swift for the amount lost. The game proceeded between the magistrate and Buchanan until Swift had lost eight dollars more ; which added to the two before won, made the sum of ten dollars. This sum Swift declined paying, because he had not the money at hand. The justice forthwith issued his warrant, entered a judgment by confession on his record, without the defendant Swift having made any confession other than the corrupt agreement before alluded to with the justice ; that if Swift lost, the justice should give judgment, and he awarded execution whereby Swift was imprisoned.

Secondly. The said Thomas S. Wingate had become indebted to a certain John Satterwhite the sum of fifty dollars, for a horse purchased, for which he had given his note. He next won of the same John Swift, at the game called cross and pile, about one hundred and fifty dollars. He then induced Swift to give his note for fifty dollars, part of the money won, to the said Satterwhite and lift the note of said Wingate ; on this note the said Wingate immediately issued his warrant, gave judgment and awarded execution against the body of Swift.

Thirdly. He on the seventh of December last, in the town of New Castle, during the continuance of his office played at cards in an open stable in day-light, for upwards of one hour.

Fourthly. On a late occasion after the said Wingate had empaneled a jury to try rioters, and they had disagreed in their verdict, and he had been called in to instruct them on the law of the case, he agreed at the solicitation of the jury, and on their furnishing him with funds for that purpose to provide & furnish them with spiritous liquors: after the introduction of spirits, the quantity brought was still increased until he and many of the jury became intoxicated, holloping and ludicrous scenes succeeded in their sport, of which the magistrate

bore his part, his face was painted and blackened with the snuff of the candle, and they continued to revel, till late at night the jury dispersed; to punish the jury for separation and dispersion from this cabal, the magistrate issued his process, and afterwards withdrew it, on being threatened that measures would be taken to remove him from office if he persisted.

Fifthly. After charges were framed and verified by affidavit, and lodged in the hands of David White, jr. a member of the house of representatives, to be laid before that body for the purpose of instituting an enquiry against the said magistrate, he got by some means not necessary to detail, the horse of John Swift, the prosecutor into his possession, and refused to re-deliver him unless the prosecutor would sign an order to said White to withdraw the charges. After writing one or two orders containing words which negatived the truth of the charges, and the said Swift having refused to sign them he drew one, which amounted in its terms simply to an order to withdraw the charges, which Swift executed. This order, said White did not think proper to comply with, and returned it to Wingate, who again presented it before the committee with these words added, "and I am in the error." This forgery was detected, and completely established against him during the progress of the investigation into his conduct.

Sixthly. The said Wingate, while acting as a magistrate on the bench of the county court of Henry, was appointed a captain of patrollers, with a company of four others: for the services of himself and these patrollers, he procured an allowance to be made for his own benefit, and transferred it to others on the record; and although the evidence in this point, is not conclusive, yet it is such as to induce a strong belief that neither Wingate as captain, or his associates or patrollers performed any of the duties assigned by law to patrollers, and that his associates never even knew of their appointment till the money was levied and collected from the county. For the justice himself confessed to one of the witnesses that he had hired men by treats of whiskey to take scouts with him, by way of patrolling, as a pretext for the claim against the county.

Seventhly. To all this, may be added, that the said Thomas S. Wingate, is notoriously a drunkard and a gamster, and wears notoriously the obnoxious character of a cheat, a

swindler and liar, to the prejudice of the rights of the good people of this state; for these reasons we require a removal of said Thomas S. Wingate from office.

Which being severally twice read, were unanimously concurred in.

*Ordered*, That mr. D. White carry the said resolutions and report to the senate, and request their concurrence.

Mr. Marshall, from the select committee appointed for that purpose, reported, a bill for the benefit of Luke Munsell;

Which was received and read the first time, and ordered to be read a second time.

An engrossed bill entitled, an act to provide for the collection of the revenue of Hopkins county, for the year 1815, was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Yantis, carry the said bill to the senate, and request their concurrence.

A bill providing for a change of venue in the case of Armistead Churchill, was read a second time, amended, and ordered to be engrossed and read a third time.

And the said bill being engrossed, and the third reading thereof dispensed with,

The question was then taken on the passage of the said bill, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Hunter and Barbour, were as follows, to-wit:

Yeas—Mr. Speaker; messrs. Armstrong, Barrett, Birney, Booker, Bowman, Breckenridge, Caldwell, Carson, Coburn, Cooke, Cox, Cummins, Dallam, Davidson, Davis, Dollerhide, Ewing, Gaihes, Gaither, Garrison, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hawkins, Helm, Hickman, Hopson, H. Jones, Marshall, Mercer, Mills, Monroe, M'Coun, M'Mahan, M'Millan, Parker, Rowan, Rudd, Shepard, Slaughter, S. Stevenson, Stapp, Todd, Underwood, Wall, Ward, Wier, Wickliff and Woods—51.

Nays—Messrs. Barbour, Blackburn, Cotton, Davenport, Duncan (of Lincoln) Ford, Hart, Hunter, Jameson, Irvine, Lackey, Logan, Love, Rice, Robertson, South, Spillman, Turner, D. White and Yantis—20.

*Ordered*, That the title of said bill be as aforesaid;

And that mr. Helm carry the same to the senate, and request their concurrence.

A bill for the benefit of the heirs of John M'Afee ; and a bill to amend an act entitled, an act regulating certain surveys in this this Commonwealth :

Were severally read a second time, and ordered to be engrossed, and read a third time.

And thereupon the rule of the house, and third reading of the former bill being dispensed with, and the same being engrossed,

*Resolved*, That the bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. M'Coun carry the said bill to the senate, and request their concurrence.

*Ordered*, That a bill to establish a new judicial district and alter the time of holding circuit courts in the county of Fayette, be laid on the table.

The house took up the amendments proposed by the senate, bills from this house of the following titles :

1st, An act for the relief John Godlett ; 2nd, an act authorizing Rudolph Neat to build a mill on Green river ; 3rd, an act for the benefit of John M'Combs ; 4th, an act for the relief of Nehemiah Cravens ; and 5th, an act for the relief of Esther Smiley :

Which being severally twice read, those proposed to the 3d, 4th and 5th were concurred in, and that of the second disagreed to.

*Ordered*, That mr. Rowan inform the senate thereof.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker*,

The senate have received official information that the lieutenant governor did on the 18th instant, approve and sign an enrolled resolution which originated therein, proposing an article of amendment to the constitution of the United States; and they concur in the resolution from this house requiring the auditor to make out a list of lands sold at the register's sales in November last. They have passed bills from this house of the following titles :

An act concerning the towns of Versailles and Glasgow ; an act for the benefit of the heirs of Sarah Ward, deceased ; an act for the benefit of certain delinquent militia of the 38th regiment ; an act to incorporate the Hope Distillery Company ; an act for the regulation of the town of Scottville, and for other purposes, and an act further to regulate the Greenville seminary ; and an act authorizing the trustees of the town of Falmouth to sell part of the public ground, with amendments to the three latter.



And they have passed bills of the following titles :

An act concerning commonwealth's attornies ; an act authorizing a lottery for opening a road from Owingsville, in Bath county to Prestonsburg, in Floyd county ; an act respecting the conveyance, and also the division of the real estate of William Kennedy, Benjamin Beall and Jennett H. Beall, late of the county of Campbell, in this commonwealth, died seized ; an act to authorize John Brown to build a permanent toll bridge across the Kentucky river ; in which amendments and bills, they request the concurrence.

And then he withdrew.

A bill from the senate entitled, an act to compel circuit judges to reside within the bounds of their circuits, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bill being dispensed with, the same was committed to a select committee of messrs. Blackburn, Mills, Rowan and Rudd.

And then the house adjourned.

#### TUESDAY, JANUARY 21, 1846.

Mr. Blackburn from the committee of propositions and grievances, made the following report, to-wit :

The committee of propositions and grievances, have according to order had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit :

*Resolved*, That the petition of sundry citizens of the counties of Henry and Gallatin, praying for the erection of a new county out of a part of each, *be rejected*.

*Resolved*, That so much of the petition of sundry citizens of Warren county, as prays all that part of said county, lying east of the line to be run, north and south from where the road leading from Glasgow to Bowling Green, crosses the branch between Russell's and Doty's, may be added to the county of Barren, *is reasonable*.

Which being severally twice read, the first was concurred in ; and the second being amended by striking out the words *is reasonable*, and inserting in lieu thereof the words, *be rejected*, was likewise concurred in.

Mr. Wall from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles :

An act for the relief of Archelaus Vanhook, late sheriff of Nicholas county ; an act to alter the time of holding the chan-

every term of the Jefferson circuit court ; an act authorizing Floyd county court to sell part of their public ground ; an act for the relief of Hugh Henderson and others ; an act for the benefit of Thomas Simpson ; and an act to incorporate the Stanford library company :

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That Mr. Wall, inform the senate thereof.

Mr. Yantis from the select committee appointed for that purpose, reported a bill for the disposition of Bibb's Reports;

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bill being dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

Mr. Blackburn from the select committee to whom was referred, a bill from the senate entitled, an act to compel circuit Judges to reside within the bounds of their circuits, reported the same with an amendment ;

Which being severally twice read, and amended, was concurred in.

*Ordered*, That the said bill as amended, be read a third time to-morrow.

Mr. Marshall from the committee appointed for that purpose, reported a bill to regulate the manner of crossing the Frankfort Bridge :

Which was received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bill being dispensed with, the said bill was committed to a select committee of messrs. M'Millan, Marshall, Logan and Rowan.

Mr. Shepard from the joint committee appointed to examine and report what repairs are necessary if any to be made to the governor's house and lot, made their report :

Which was received, read and laid on the table.

Mr. Goode from the committee appointed for that purpose, reported a bill for the benefit of Henry Martin ;

Which was received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Goode carry the said bill to the senate, and request their concurrence.

Mr. Monroe from the select committee appointed for that purpose, reported a bill to incorporate the Green river Iron manufacturing company ;

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bill being dispensed with, the same was ordered to be engrossed and read a third time to-morrow.

Mr. Trigg, from the select committee appointed for that purpose, reported a bill for the relief of the citizens of Estill county, and for other purposes.

Which was received and read the first time, and ordered to be read a second time,

On the motion of mr. Marshall :

*Ordered*, That leave be given to bring in a bill to authorize Daniel Weisiger to convey certain lots in the town of Frankfort ; and that messrs. Marshall, P. White and Birney, be appointed a committee to prepare and bring in the same.

Mr. Marshall then immediately presented a bill under the title aforesaid ;

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that title thereof be as aforesaid.

*Ordered*, That mr. Marshall carry the said bill to the senate, and request their concurrence.

A message from the lieutenant governor by mr. Pope, his secretary :

*Mr. Speaker*,

I am directed by the lieutenant governor, to inform this house that he did on this day approve and sign enrolled bills which originated in this house of the following titles :

An act for the relief of Hugh Henderson, and others.

An act for the relief of Archelaus Vanhook, late sheriff of Nicholas county.

An act to incorporate the Stanford Library Company.

An act authorizing Floyd county court to sell part of their public ground.

An act for the benefit of Thomas Simpson.

\* An act to alter the time of holding the chancery term of the Jefferson circuit court.

And then he withdrew.

*Ordered*, That mr. Wall inform the senate thereof.

Mr. Wall presented the petition of Robert Houston, of Harrison county, praying for the reasons stated therein, that a law may pass, to divorce him from his wife Lydia Houston.

Which was received, read, and referred to a select committee of messrs. Wall, Holman and Mills; giving said committee leave to report by bill or otherwise.

Mr. Reeves from the select committee to whom was referred an engrossed bill entitled, an act to provide for the sale of part of the public ground in the town of Hopkinsville; reported the same with an amendment;

Which being twice read, was concurred in.

*Ordered*, That the said bill as amended be re-engrossed and again read a third time on to-morrow.

Mr. Mills moved the following resolution:

*Resolved*, By the house of representatives of the commonwealth of Kentucky, That a select committee of five members be appointed to inquire into the constitutionality of authorizing by law an the election for Governor at the next annual election, to fill the vacancy occasioned by the death of his late excellency George Madison, and that they have leave to report thereon by bill or otherwise.

Which being twice read, was disagreed to.

The yeas and nays being required thereon, by messrs. Mills and Hornbeck, were as follows, to-wit:

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Blackburn, Clarke, Coburn, Dallam, Davenport, Davis, Fleming, Gaines, Garrison, Given, Goode, Hart, Hickman, Hopson, Hunter, Jameson, J. Jones, Irvine, Lackey, Mercer, Metcalfe, Mills, M'Coun, M'Halton, Owings, Parker, Reeves, Rice, South, T. Stevenson, Trigg, True, Turner, Wall, Ward and D. White—40.

Nays—Messrs. Birney, Booker, Bowman, Breckenridge, Caldwell, Carson, Cooke, Cotton, Cox, Cummins, Cunningham, Davidson, Dollerhide, Duncan, (of Lincoln) Eggleston, Ewing, Ford, Gaither, Gilmore, Grant, Green, Grundy, Harrison, Hawkins, Helm, Holman, Hornbeck, H. Jones, Logan, Love, Marshall, Monroe, M'Mahan, M'Millan, Rowan, Shepard, Slaughter, Spillman, S. Stevenson, Stapp, Underwood, P. White, Wier, Wickliff, Woods and Yantis—16.

And then the house adjourned.



WEDNESDAY, JANUARY 22, 1847.

On the motion of mr. Rowan :

*Ordered*, That the report of the joint committee appointed to examine and report what repairs if any are necessary to be made to the house and lot occupied by the lieutenant governor, be re-committed to a select committee of messrs. Rowan, South, M'Millan and Shepard, with leave to report by bill or otherwise.

The petition of George W. Morton, deputy sheriff of Fayette county, representing that the fines assessed by the courts of assessment of the 10th and 42nd regiments of Kentucky militia collectable in the last year, were placed in his hands for collection, and that he has proceeded to collect the same, but owing to severe indisposition was unable to return a list of delinquents in proper time; and praying legislative relief.

The petition of sundry citizens of Estill county, praying that a law may pass, authorizing the opening at the public expence, a road from Estill court house passing by the Goose Creek Salt works, to intersect the old state road in Knox county.

The petition of sundry citizens of Barren county, praying that a part of said county may be stricken off, and added to the county of Green.

The petition of sundry citizens of Paris, in Bourbon county, praying that a law may pass, authorizing the trustees of said town to raise by taxation a sum of money on the property in said town, in addition to that already authorized, for the purpose of sinking a well or wells in said town : and

The petition of sundry citizens of Millersburg, in Bourbon county, praying that the powers of the trustees of said town may be increased, particularly in making and enforcing bye-laws for the prevention and extinguishment of fires :

Were severally received, read, and refered : the first to a select committee of messrs. Breckenridge, Parker and true ; the second to a select committee of messrs. Trigg, H. Jones, Mills, South and Slaughter ; the third to a select committee of messrs. Barrett, Bowman, Monroe and Rowan ; and the fourth and fifth to a select committee of messrs. Mills, Hickman, Robertson and Metcalfe.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Wall—1st, a bill regulating civil proceedings in certain cases. By mr. Davenport, from the committee to whom was refered that part of the lieutenant governor's mes-

page—2nd, a bill authorizing the acting governor to purchase arms, for the use of the militia of this commonwealth. By mr. Underwood—3rd, a bill to amend and explain an act entitled an act to amend the act to ascertain the boundaries of and for processioning lands :

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bills being dispensed with, the first was committed to a select committee of messrs. M'Millan, Wall, Holman, Rowan and Mills; the second to a select committee of messrs. Blackburn, M'Millan, South, Rowan, Davenport, Marshall and Owings; and the third ordered to be engrossed and read a third time.

And thereupon the rule of the house, and third reading of the latter bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Underwood carry the said bill to the senate, and request their concurrence.

A bill to establish an independent bank at Louisville, was read a second time.

The proviso to the last section of said bill was read as follows, to-wit :

*Provided however*, That whenever the bonus on the bank established by this act, and also on the bank of Kentucky shall take place, and become payable, it shall be in lieu of the tax imposed on Bank Stock, and thereafter no tax shall be levied on either of the charters as aforesaid.

Mr. Grundy then moved to amend the proviso by expunging therefrom the words, "*and thereafter no tax shall be levied on either of the charters aforesaid.*"

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Grundy and Hart, were as follows, to-wit :

Yeas—Mr. Speaker; messrs. Barrett, Birney, Bowman, Breckenridge, Carson, Coburn, Cunningham, Davis, Dollerhide, Ewing, Gaither, Garrison, Gilmore, Goode, Grant, Green, Grundy, Hickman, Hopson, Irvine, Marshall, Mercer, Metcalfe, Monroe, M'Coun, M'Millan, Parker, Reeves, Rowan, Rudd, Slaughter, Spillman, S. Stevenson, Stapp, T. Stevenson, Trigg, True, Underwood, Wall, Ward and Wickliff—42.

Nays—Messrs. Barbour, Blackburn, Booker, Caldwell

Clarke, Cooke, Cotton, Cummins, Dallam, Davenport, Duncan (of Lincoln) Eggleston, Fleming, Ford, Gaines, Given, Harrison, Hart, Hawkins, Holman, Hornbeck, Hunter, Jameson, Lackey, Logan, Love, Mills, M'Hatton, M'Mahan, Owings, Robertson, Shepard, South, Todd, Turner, D. White, Wier, Woods and Yantis—39.

The 11th section of said bill was read as follows, to-wit :

§ 11. *Be it further enacted*, That when the citizens of any town and its vicinity, shall by petition accompanied with a subscription offering to take any number of shares not less than 1000 in the said Louisville bank at any time before the 1st day of December next, and shall in such subscription declare that the said stock is taken for the purpose of being used and enjoyed in a branch bank to be established at some one certain place named in said subscription, it shall be the duty of the commissioners of the Louisville bank, to have books opened for subscriptions of stock at said place, under the superintendence of five commissioners ; which books shall continue open until the first day of December, 1818, unless sooner filled, and as soon as 1000 shares shall be subscribed for, and one fifth thereof be actually paid in manner as is provided in the first section of this act, and shall have secured the payment of the balance ; it shall be the duty of the directors of the Louisville bank, to establish at the place named in such subscription ; an office of discount and deposit upon the same terms and in the same manner as is practised at said Louisville bank, and continue the same at such place while it shall defray its own expenses, and not seven per cent. on the amount of its capital, and such branch bank shall divide its own profits only, and defray its own expenses ; in case it shall so elect the said office of discount and deposit, shall be continued if the directors and stockholders of such branch so desire, notwithstanding such branch bank may not net seven per centum.

Mr. Underwood then moved to amend the same by expunging therefrom the words, "*shall divide their own profits only*," and to insert in lieu thereof the words, "*shall share the profits of the whole institution in proportion to the amount of its capital*."

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Underwood and Monroe, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barrett, Bowman, Carson, Coburn, Cunningham, Davis, Dellerhide, Ew-

ing, Fleming, Gaither, Gilmore, Given, Goode, Green, Grundy, Hart, Hickman, Hopson, J. Jones, Irvine, Mills, Monroe, M'Millan, Owings, Parker, Reeves, Rudd, South, Stapp, Trigg, Underwood, Ward, Wier, Wickliff and Woods—37.

Nays—Messrs. Barbour, Birney, Blackburn, Booker, Breckenridge, Caldwell, Clarke, Cooke, Cotton, Cox, Cummins, Dallam, Davenport, Duncan (of Lincoln) Eggleston, Ford, Gaines, Garrison, Grant, Harrison, Hawkins, Helm, Holman, Hornbeck, Hunter, Jameson, Lackey, Logan, Love, Marshall, M'Coun, M'Hatton, M'Mahan, Robertson, Rowan, Shepard, Slaughter, Spillman, S. Stevenson, T. Stevenson, Todd, True, Turner, Wall, P. White, D. White and Yantis—47.

The said bill being further amended, the 16th section was amended to read as follows, to-wit :

Sec. 16. *And be it further enacted*, That the bank established by this act at Louisville, and its branches, shall reserve and pay into the public treasury, semi-annually 50 cents upon each share of the stock of said bank, which shall have been, or thereafter may be subscribed for and held by individuals as a bonus to the state : *Provided however*, That whenever the bonus on the bank established by this act shall take place and become payable, it shall be in lieu of the tax imposed on bank stock.

Mr. Fleming then moved to strike out from the word, semi-annually, the word semi.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Duncan (of Lincoln) and South, were as follows, to-wit :

Yeas—Messrs. Barbour, Booker, Caldwell, Cooke, Cotton, Cox, Cummins, Dallam, Davidson, Fleming, Ford, Given, Hornbeck, Hunter, Jameson, Lackey, Logan, Love, Marshall, M'Hatton, M'Mahan, Owings, Rowan, Shepard, Slaughter, Todd, Turner, Underwood, Wall, P. White, D. White and Wier—32,

Nays—Mr. Speaker; messrs. Armstrong, Barrett, Birney, Blackburn, Bowman, Breckenridge, Carson, Clarke, Coburn, Cunningham, Davenport, Davis, Dollerhide, Duncan (of Lincoln) Eggleston, Ewing, Garrison, Gilmore, Goode, Grant, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Holman, J. Jones, H. Jones, Irvine, Mercer, Mills, Monroe, M'Coun, M'Millan, Parker, Reeves, Rice, Rudd, South, Spillman, S. Stevenson, Stapp,



T. Stevenson, Trigg, True, Ward, Wickliff, Woods and Yantis—53.

The said bill being further amended, was with the amendments, ordered to be engrossed and read a third time to-morrow.

A message from the senate by mr. Simrall:

*Mr. Speaker,*

The senate have passed a bill entitled, an act to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike road company:

In which they request the concurrence of this house.

And then he withdrew

And then the house adjourned.

#### THURSDAY, JANUARY 23, 1817.

The petition of William Wright, of Harrison county, representing that he owns a tract of 300 acres of land in said county, on which he has a mill, and through which tract of land there are four public roads; and praying that a law may pass, authorizing him to erect gates on each of said roads for the passage of travellers on said roads through his farm; and

The petition of sundry citizens of Nicholasville, in Jessamine county; praying that some lands owned by individuals adjoining said town, may be added thereto, and hereafter compose a part of the town:

Were severally received, read and referred: the first to the committee of propositions and grievances; and the second to a select committee of messrs. Caldwell, Blackburn and Rudd, giving said committees leave to report by bill or otherwise.

A message from the senate by mr. Bowmar:

*Mr. Speaker,*

The senate disagree to a bill from this house entitled an act further to regulate the general court, and for other purposes; and to a bill entitled, an act concerning commonwealth's attorneys.

And then he withdrew.

A message from the senate by mr. Simrall:

*Mr. Speaker,*

The senate have adopted a resolution for publishing a certain number of the copies of the militia law:

In which resolution they request the concurrence of this house.

And then he withdrew.

Mr. Wall from the select committee to whom was referred, a bill to regulate civil proceedings in certain cases ; reported the same with an amendment ;

Which being twice read, was concurred in.

*Ordered*, That the said bill as amended, be engrossed and read a third time.

And thereupon the rule of the house, and third reading of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be amended to read, an act for the benefit of Thomas Rankin, senr.

*Ordered*, That mr. Wall carry the said bill to the senate and request their concurrence.

Mr. Shepard from the select committee to whom was referred so much of the lieutenant governor's message as relates to navigation, made the following report :

The committee to whom was referred so much of the message of the lieutenant governor, as relates to the subject of navigation, have had the same under consideration, and report as follows, to-wit :

Your committee would observe that before their appointment took place, several of its members had been appointed on other committees, some of which were of much importance, and required immediate attention, and before your committee had made any considerable progress in the duties assigned them, a similar committee that had been raised in the senate at the commencement of the session, made their report to the preamble of a printed copy, to which your committee beg leave to refer as a part of this report.

Your committee think it only necessary in addition thereto, to add that as there is a bill before this house for establishing a lock navigation company, to clear out the obstructions in the Kentucky river, from its mouth to the Frankfort Bridge; your committee recommend that said bill be passed into a law with such modifications and amendments as may be thought necessary; and that the commissioners to be appointed to examine the Kentucky river, examine the same from the Frankfort bridge to the highest point of navigation, and not below said bridge. In regard to the obstructions in the falls of the Ohio river, your committee are informed that a

law has been lately passed by the legislature of Indiana, incorporating a company to open a canal on the Indiana side, which ought to engage the legislature of Kentucky to make such arrangements as will prevent the infant state of Indiana from gaining any advantage over the state of Kentucky; which from its age, wealth and population ought certainly to take the lead.

Your committee therefore recommend the adoption of the said resolutions with the following amendments, to-wit:

1. Resolution, 3rd line strike out the words, "its mouth," and insert the words, "the Frankfort Bridge," and that the remainder of said resolutions be adopted entire.

#### REPORT

*Of the committee upon that part of the lieutenant governor's message which relates to internal navigation.*

The committee to whom was referred that part of the lieutenant governor's communication, which relates to the internal navigation of our water courses, have had the same under their consideration, and come to the determination of submitting to the general assembly the following report, to-wit:

It appears to your committee that the subject of the internal improvement of a country, is one which the enlightened statesmen of every age have delighted to dwell on; and certainly there is none upon which the legislature of any country has a more expanded and extensive field to act. Kentucky, blessed with a soil the most productive, which liberally repays the husbandman for his labor, and yields the abundance of the earth with less labor than any other; a country where every necessary of life, with a large surplus for exportation, is annually on hand; and which also furnishes every facility for manufactures in a great degree.

We do not only view it as a country blest with a soil the most productive, but one which providence has blest with the means the most natural and easy to transport this great abundance to market. When your committee views the geographical situation of Kentucky, washed by the Ohio river on the north and the west the whole extent of her territory; which for the gentleness of its current, is not equalled by any river in the Atlantic states; which is the great reservoir of the numberless streams which flow through the state in every direction—Some of which are navigable for large boats near two hundred miles in extent; nor is there any part of the state where a navigable stream cannot be reached within thirty miles land transportation. With a soil so fertile, and the



bounties of nature so abundant, what is wanting but the fostering care of the legislature to aid in and patronize the internal improvement of our happy land?

Your committee would, therefore, call the attention of the legislature to the following, and as they believe, important internal improvements:

First, the incorporating of turn-pike road companies thro' different sections of the country leading to the nearest and safest water navigation. The great advantage to the farmer and planter of the interior to have firm and substantial roads for the transportation of his produce to water navigation, is too obvious to need further illustration.

The second and most important subject to which they wish to call your attention, is the improvement of the natural navigation of our rivers and water courses. Those which stand most prominent, and will embrace the greatest part of the population of the state, are, the Kentucky river, the Green river, Salt river and Licking river. Your committee are aware that great variety of opinions exists as to the proper mode to be adopted for clearing our rivers of their obstructions to navigation. This variety of opinion is natural, when it is well known that no individuals possess within themselves a full knowledge of the nature, cause and extent of those obstructions; which knowledge your committee think all-important to obtain, before the legislature can act on any general system of improvement with any degree of certainty.

The Falls of the Ohio river, at Louisville, is a subject which in a particular degree ought to claim the attention of the legislature; that river is the great high-way to market for the produce of a large portion of the states of Kentucky, Ohio, Indiana, and the western parts of Virginia and Pennsylvania; each of said states are deeply interested in a clear and open navigation of that river; and as a variety of opinions exists as to the proper course to pursue to open or clear those obstructions; in order to obtain the best information on that subject, and of obstructions to the internal navigation of our water courses, your committee begs leave to recommend the adoption of the following resolutions; to-wit:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the Governor be, and he is hereby authorised to appoint commissioners for the purpose of examining, laying down, and running the whole distance of the Kentucky river, from its mouth to the upper point of navigation; to examine and ascertain all the obstructions to the navigation of said river; to lay down, and cause to be made, a compact map or chart, with its meanders, shewing the different



points and places where obstructions are, and the nature of those obstructions, with their opinion of the most easy and complete manner of removing, or otherwise effectuating a safe and easy navigation of said river, particularizing the manner to obtain the object at each point where obstructions are.

*Resolved*, That the Governor be, and he is hereby authorised to appoint \_\_\_\_\_ commissioners for the purpose of examining, laying down, and running the whole distance of the Green river; also \_\_\_\_\_ commissioners for Salt river, and \_\_\_\_\_ commissioners for Licking river; who, and each of them, shall do and perform all the duties, and possess all the powers laid down and given to the commissioners appointed for, and to examine the Kentucky river.

*Resolved*, That the Governor be, and he is hereby authorised to appoint \_\_\_\_\_ commissioners for the purpose of examining the different channels at the Falls of Ohio, with their opinion on the propriety or practicability of opening each, or either of the channels through said falls, with a plan of each, and the probable cost, together with such other information as they may think necessary to the accomplishment of a free and safe navigation of said falls.

*Resolved*, That the commissioners hereby authorised to be appointed, shall proceed to the performance of the duties enjoined on them at such time during the ensuing summer, when the situation of the waters will admit of it, and make their report to the governor; who shall lay the same before the General Assembly of Kentucky at their next session.

*Resolved*, That the commissioners as aforesaid, shall be, and they are hereby authorized to employ such a number of engineers, surveyors, chain-bearers and boatmen as may be necessary to enable them to perform the duties hereby enjoined on them.

*Resolved*, That the governor be, and he is hereby authorized to make such allowance to the commissioners, and each of them, for their services, as he may think proper, not exceeding two dollars per day each; which, with the allowance for services to engineers, surveyors, chain-bearers and boatmen, he shall certify to the Auditor of Public Accounts, to be paid out of any money in the treasury.

*Resolved*, That the Governor be, and he is hereby requested to open a correspondence with the executives of the states of Virginia, Pennsylvania, Ohio and Indiana for the purpose of informing each of the views of this state, as to the obstructions at the Falls of Ohio, and to ascertain how far they, and each, will co-operate to the clearing or removing the same,

so as to open a clear and free navigation, and to report to the next General Assembly the result of such correspondence.

Which being read was laid on the table.

Mr. Ewing from the select committee to whom was referred a bill to prevent the fraudulent practice of surveying or patenting land manifestly off and at a distance from entries or locations originally made unless legally removed as the law on that subject directs, reported the same with an amendment :

Which being twice read, was concurred in.

*Ordered*, That the said bill as amended be engrossed and read a third time to-morrow.

Mr. Breckenridge from the select committee appointed for that purpose, reported a bill for the relief of George W. Mor-ton :

Which was received, and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Breckenridge carry the said bill to the senate, and request their concurrence.

Mr. Helm from the select committee to whom was referred a bill further to regulate the fees of sheriffs and constables in this commonwealth, reported the same with an amendment:

Which being twice read, was concurred in with amendments.

*Ordered*, That the said bill as amended be engrossed and read a third time to-morrow.

Mr. Barrett from the select committee appointed for that purpose, reported a bill adding a part of the county of Barren to the county of Green :

Which was received, and read the first time, and ordered to be read a second time.

On the motion of mr. Rowan,

*Ordered*, That leave be given to bring in a bill for the relief of Isaac Harel; and that messrs. Rowan, Cotton and Rudd prepare and bring in the same.

Mr. Rowan immediately presented a bill under the title aforesaid :

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third

readings of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Rowan carry the said bill to the senate, and request their concurrence.

The house again took up the amendments proposed by the select committee to a bill from the senate entitled, an act to alter the time of holding the county and circuit courts of Casey county; the three first of which amendments were concurred in on a former day, and the remainder of said amendments being read, the fourth was disagreed to, and the 5th, 6th, 7th and 8th concurred in.

*Ordered*, That the said bill with the amendments, be read a third time.

Leave was given to bring in the following bills :

On the motion of mr. Breckenridge—1st, a bill to detach the counties of Campbell and Boone from the third judicial district, and further to regulate certain judicial districts in this commonwealth ; and on the motion of mr. M'Coun—2d, a bill for the benefit of Marlborough, a free man of color.

Messrs. Breckenridge, Parker, True, Blackburn, Coburn, Hawkins, Mills and Grant were appointed a committee to prepare and bring in the first, and messrs. M'Coun, Birney and Davidson the second.

Mr. M'Coun from the latter committee immediately presented a bill for the benefit of Marlborough, a free man of color :

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. M'Coun carry the said bill to the senate and request their concurrence.

Mr. Coburn from the joint committee of enrollments, reported that the committee had examined enrolled bills and resolutions of the following titles :

An act concerning the town of Louisville ; an act to incorporate the Hope distillery company ; an act for the benefit of John M'Corrals ; an act for the relief of John Godlett ; an act for the relief of Nehemiah Cravens ; an act for the benefit of certain delinquent militia of the 38th regiment ; an act for

the benefit of the heirs of Sarah Ward, deceased; an act for the relief of Esther Smiley, and a resolution requiring the Auditor to make out a list of the lands sold at the Register's sales in November last,

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That Mr. Coburn inform the senate thereof.

A bill from the senate entitled, an act to alter the time of meeting of the General Assembly, was read the first time and ordered to be read a second time.

And the rule of the house and second reading of said bill being dispensed with, the same was ordered to be read a third time to-morrow.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate have passed bills from this house of the following titles :

An act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes, an act to provide for the collection of the revenue of Hopkins county for the year 1815; an act for the better regulation of the town of South Frankfort; an act for the benefit of Caty and Rosa Bennett; an act for the benefit of the heirs of William Morgan, deceased; an act for the benefit of the widow and heirs of Abraham Rainey, deceased; an act for the benefit of the heirs of John M'Afee; an act authorizing the county court of Fayette to levy and collect a tax not exceeding \$3000 for the benefit of the Fayette Hospital; an act for the benefit of the heirs of John Jackson and James W. Brand, deceased; an act for the benefit of the heirs & representatives of David Johnson, Joseph Dupuy & Robert Parker, deceased; an act relative to the stream of Nolin, in Hardin county, & an act authorizing the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville Academy, with amendments to the three latter; & they have passed a bill entitled, an act for the benefit of David James & John Mitcheson.

In which amendments and bill they request the concurrence of this house.

And then he withdrew.

The following bills were severally read a second time :

1st, a bill for the relief of Sally W. Boler. 2d, a bill to authorize certain lotteries in this commonwealth; the first amended and ordered to be engrossed and read a third time; the latter on to-morrow.

And thereupon the rule of the house and third reading of



the first bill being dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Ewing carry the said bill to the senate and request their concurrence.

A bill to increase the capital of the Bank of Kentucky, was read a second time.

The second section of said bill reads as follows, to-wit :

*Be it further enacted*, That the Bank of Kentucky shall not be authorized to contract any debt in addition to what the institution would have been authorized to contract, without this additional capital, or the passage of this act, until the institution shall have resumed the regular payment of her debts as demanded in lawful metallic currency.

Mr. Booker then moved to amend said bill by attaching to the second section thereof the following words, to-wit :

And whenever the bank shall thereafter stop the payment of metallic currency, all privileges granted by this act, shall be forfeited.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon, by messrs. Booker and Ewing, were as follows, to-wit :

Yeas—Messrs. Barbour, Booker, Caldwell, Duncan, (of Lincoln) Gaither, Gilmore, Given, Green, Grundy, Harrison, Hunter, Owings, Rowan, Spillman and Yantis—15.

Nays—Mr. Speaker ; messrs. Armstrong, Barrett, Birney, Blackburn, Bowman, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cunningham, Dallam, Davidson, Davis, Dellerhide, Eggleston, Ewing, Fleming, Ford, Gaines, Garrison, Goode, Grant, Hart, Hawkins, Helm, Hopson, Hornbeck, Jameson, J. Jones, H. Jones, Irvine, Lackey, Logan, Love, Marshall, Mercer, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Parker, Rice, Robertson, Rudd, Shepard, Slaughter, South, S. Stevenson, Stapp, T. Stevenson, Todd, Trigg, Turner, Underwood, Wall, Ward, P. White, D. White, Wier, Wickliff and Woods—67.

Mr. Rudd having moved a further amendment thereto, The house then adjourned.

FRIDAY, JANUARY 24, 1817.

The following bills were reported from the several committees appointed to prepare and bring in the same, to wit :

By mr. Blackburn—1st, a bill for the benefit of William Wright. By mr. Wall—2nd, a bill for the relief of Robert Houston. By mr. Blackburn—3rd, a bill to incorporate the Western Commercial Company ; and by mr. Rowan—4th, a bill authorizing repairs to be made to the public buildings in the occupancy of the governor :

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second reading of said bills being dispensed with, the first, third and fourth bills were ordered to be engrossed, and read a third time ; the third on to-morrow ; and the second was committed to a select committee of messrs. Mills, Wall, Holman and Yantis.

*Ordered*, That the public printers forthwith print 130 copies of the third bill, for the use of the members of this house.

And thereupon the rule of the house, and third reading of the first and fourth bills being dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Rowan carry the said bills to the senate, and request their concurrence.

A bill from the senate entitled, an act to compel circuit judges to reside within the bounds of their circuits, was read a third time as amended.

The question was then put on the passage of said bill, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Mills and M'Millan, were as follows, to wit :

Yeas—Messrs. Armstrong, Barrett, Blackburn, Bowman, Carson, Clarke, Coburn, Cooke, Cotton, Cunningham, Dalfam, Davenport, Davis, Dollerhide, Duncan (of Davies) Duncan (of Lincoln) Eggleston, Ewing, Fleming, Gaines, Gaither, Garrison, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopson, Hornbeck, Hunter, Jameson, J. Jones, H. Jones, Irvine, Lackey, Love, Mercer, Mills, M'Coun, M'Mahan, Owings, Reeves, Rice, Robertson, Shepard, Slaughter, South, S. Stevenson, Stapp, T. Stevenson, Todd, Trigg, True, Turner, Wall, P. White, Wier, Wickliffe, Woods and Yantis—66.

Nays—Mr. Speaker; messrs. Barbour, Birney, Booker, Breckenridge, Cox, Cummins, Logan, Marshall, Metcalfe, Monroe, M'Hatton, M'Millan, Parker, Rudd, Spillman, Underwood and D. White—18.

*Ordered*, That mr. Mills inform the senate thereof, and request their concurrence in the said amendment.

A bill from the senate entitled, an act to incorporate the Henderson Library Company;

Was read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with,

*Resolved*, That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That mr. M'Mahan inform the senate thereof.

A bill for the relief of Isaac Greathouse;

Was read a second time, and ordered to be engrossed and read a third time.

And thereupon the rule of the house, and third reading of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That mr. Underwood carry the said bill to the senate, and request their concurrence.

A message from the senate by mr. Owens:

*Mr. Speaker*,

The senate concur in the amendment proposed by this house to the bill from the senate entitled, an act to compel circuit Judges to reside within the bounds of their circuits; and they recede from their amendment proposed to the bill from this house entitled, an act authorizing Rudolph Neet, to build a mill on Green river.

And then he withdrew.

The house resumed the consideration of a bill to increase the capital of the bank of Kentucky, and the amendments proposed thereto on yesterday; which was twice read as follows, to-wit:

*Be it further enacted*, That after the thirteenth day of January one thousand eight hundred and eighteen, the president of the bank of Kentucky, shall be entitled to receive for his compensation fifteen hundred dollars per annum and no more, unless it shall be thereafter raised by the stockholders, who shall not at any meeting be authorized to increase the same, unless a majority of all the votes, to which the stockholders

are entitled shall be given, and a majority thus given shall concur therein.

Mr. Ewing then moved to amend the said amendment by striking out the whole thereof, after the enacting clause, and inserting in lieu thereof the following, to-wit :

The salary of, or compensation to the president, shall not in future be diminished or increased otherwise than by a vote of the majority of the stockholders, who shall in person or by proxy at the annual election of the officers of that institution.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Rudd and Ewing, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Clarke, Cotton, Cox, Cummins, Cunningham, Dallam, Dollerhide, Davidson, Davis, Eggleston, Ewing, Fleming, Ford, Gaines, Garrison, Grant, Hart, Hawkins, Hickman, Hopson, Hunter, Jameson, Irvine, Lackey, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Millan, Owings, Rice, Robertson, Rowan, Shepard, Slaughter, T. Stevenson, Todd, Trigg, Underwood, Wall, Ward, P. White, D. White, Wickliffe and Woods—57.

Nays—Messrs. Barrett, Bowman, Coburn, Cooke, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Gaither, Gilmore, Given, Goode, Green, Grundy, Harrison, Helm, Hornbeck, J. Jones, Logan, Rudd, South, Spillman, S. Stevenson, Stapp, Turner, Wier and Yantis—26.

The said amendment as amended, was then concurred in.

Mr. Rudd then moved to attach to said bill the following section, to-wit :

*Be it further enacted*, That after the first day of August next, no member of either branch of the legislature shall be eligible as director of the bank of Kentucky, or any of its branches, or of the insurance company, or any bank or banks which may be hereafter established by law ; any rule or regulation to the contrary notwithstanding.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Given and Rudd, were as follows to-wit :

Yeas—Messrs. Booker, Cunningham, Dallam, Dollerhide, Duncan (of Lincoln) Gilmore, Given, Goode, Green, Grundy, Harrison, Helm, Hopson, J. Jones, Mercer, M'Mahan,



Owings, Rudd, South, Spillman, S. Stevenson, Stapp, Turner, Wall and Woods—25.

Nays—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Bowman, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Davenport, Davidson, Davis, Duncan (of Daviess) Eggleston, Ewing, Fleming, Ford, Gaines, Gaither, Garrison, Grant, Hart, Hawkins, Hickman, Hornbeck, Hunter, Jameson, H. Jones, Love, Marshall, Mills, Monroe, M'Hatton, M'Millan, Rice, Robertson, Rowan, Shepard, Slaughter, T. Stevenson, Todd, Trigg, Underwood, Ward, P. White, D. White, Wier and Yantis—54.

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

The following bills were severally read a second time, to-wit:

1st, a bill to amend an act for the regulation of certain towns in this commonwealth; 2nd, a bill to authorize the transcribing certain entry books in the surveyor's office of Fayette county; 3rd, a bill for the relief of Mary K. Baskerville and Martha Baskerville.

The first and third were ordered to be engrossed and read a third time; the 3rd on to-morrow; and the second was committed to a select committee of messrs. Fleming, Breckenridge, Parker and True.

And thereupon the rule of the house, and third reading of the first bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be amended to read, an act concerning the town of Burksville.

*Ordered*, That mr. Bowman carry the said bill to the senate, and request their concurrence.

On the motion of mr. South:

*Ordered*, That nine o'clock be the standing order of adjournment for the remainder of the session.

And then the house adjourned.

SATURDAY, JANUARY 25, 1817.

The memorial of sundry citizens of this commonwealth, representing that much inconvenience is experienced by the citizens thereof, an account of the facilities given by the citizens of the state of Ohio, to the passage through that state of slaves owned by citizens of this commonwealth who have ab-

seconded from their masters ; and praying that the legislature will take the subject into consideration.

And the petition of the heirs and legal representatives of Richard M. Gano, deceased ; praying that a law may pass, authorizing them to sell the real estate of said decedent :

Were severally received, read, and referred : the first to a select committee of messrs. Blackburn, Gaines, Mills, M<sup>r</sup>. Millan and Breckenridge ; and the second to a select committee of messrs. Shepard, M<sup>r</sup>. Hatton, Blackburn and Mills ; giving said committees leave to report by bill or otherwise.

Mr. Robertson read and laid on the table the following resolution, to-wit :

*Resolved*, by the general assembly of the commonwealth of Kentucky, That a committee of three from the senate, and six from the house of representatives, be appointed to examine a machine for breaking hemp and flax, invented by Thomas Pullen, a model of which is now in Frankfort, and to report their opinion thereupon to each branch of the legislature.

And thereupon the rule of the house being dispensed with, the said resolution was taken up, twice read and concurred in ;

And messrs. Robertson, Parker, M<sup>r</sup>. Millan, South, Dollerhide and Garrison, appointed a committee on the part of this house.

*Ordered*, That mr. Robertson inform the senate thereof, and request their concurrence.

On the motion of Trigg :

*Ordered*, That leave be given to bring in a bill to legalize the proceedings of the Estill county court at their last April term, and for other purposes :

And messrs. Trigg, Robertson and Hart, were appointed a committee to prepare and bring in said bill.

Mr. Trigg immediately presented a bill under the title aforesaid, which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. D. White carry the said bill to the senate, and request their concurrence.

A bill from the senate entitled, an act to alter the time of

holding the county and circuit courts of Casey county, was read a third time as amended.

*Resolved.* That the said bill as amended, do pass.

*Ordered,* That mr. D. White inform the senate thereof, and request their concurrence in said amendments.

A bill from the senate entitled, an act for the relief of John M'Ferren, sheriff of Barren county, was read the second time, and ordered to be read a third time.

And thereupon the rule of the house, and third reading of said bill being dispensed with,

*Resolved,* That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered,* That mr. D. White inform the senate thereof.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act relative to the register's office, with an amendment ; and they have passed bills of the following titles :

An act to repeal the law forming election precincts in Grayson and Breckenridge counties ; an act to authorize a lottery in the town of Mountsterling, and for other purposes ; and an act to alter the time of holding sundry courts within this commonwealth.

In which amendment and bills, they request the concurrence of this house.

And then he withdrew.

Mr. Wall from the joint committee of enrollments, reported that the committee did on yesterday, deposit in the office of the secretary of state, for the approbation and signature of the lieutenant Governor, the enrolled bills last signed by the speaker of this house ; and that the committee had examined sundry enrolled bills of the following titles :

An act to compel circuit judges to reside within the bounds of their circuits ; and an act to incorporate the Henderson Library Company.

And had found them truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered,* That mr. Wall inform the senate thereof.

Bills from the senate of the following titles, to-wit :

1st. An act authorizing the trustees of the town of Maysville to sell their public ground ; 2nd, an act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county ; 3rd, an act for the benefit of the sheriff of Caldwell county ; 4th, an act to legalize certain proceedings of the Warren Seminary ; 5th, an act for the benefit of John A.

Markley ; 6th, an act to establish an election precinct, in the county of Livingston ; 7th, an act to regulate the town of New-Castle, in Henry county ; 8th, an act for the benefit of the securities of William Johnson, late sheriff of Shelby county ; 9th, an act for the benefit of the Harrison academy ; 10th, an act further to suspend law process in certain cases ; 11th, an act respecting the seat of justice in Caldwell county ; 12th, an act for the benefit of Benjamin Fisher ; 13th, an act for the benefit of Joshua Cates ; 14th, an act for the benefit of Doctor Robert Wellford ; 15th, an act to vest certain powers in the county court of Breckenridge county, in relation to certain seminary lands ; 16th, an act to establish and regulate the town of Rossborough, in Daviess county ; 17th, an act further to regulate the Robertson academy, in Adair county ; 18th, an act authorizing a lottery for opening a road from Owingsville in Bath county, to Prestonsburg in Floyd county ; 19th, an act respecting the conveyance, also the division of the real estate of which William Kennedy, Benjamin Beall and Jennett H. Beall, late of the county of Campbell, in this commonwealth, died seized ; 20th, an act for the relief of the widows and heirs of William Harrell, John Stevens and William Harris ; and 21st, an act for the benefit of the widow and heirs of Wilson Pickett, deceased ; and for the executors and devisees of Azariah Davis, deceased :

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and the second readings of said bills (the 5th and 19th excepted) being dispensed with, the 1st, 2nd, 3rd, 4th, 6th, 7th, 8th, 10th, 11th, 12th, 13th, 15th, 16th, 17th, 18th, 20th, and 21st (the 2nd, 4th, 6th, 7th, 8th, 11th, 16th, 17th, 18th, 20th and 21st, being amended ;)

Were severally ordered to be read a third time.

And thereupon the rule of the house, and third readings of the 1st, 2nd, 3rd, 4th, 6th, 7th, 8th, 10th, 12th, 13th, 15th, 16th, 17th, 18th and 20th bills being dispensed with.

*Resolved*, That the 1st, 2nd, 3rd, 4th, 6th, 7th, 8th, 12th, 13th, 15th, 16th, 17th, 18th and 20th bills do pass.

*Ordered*, That mr. D. White inform the senate thereof, and request their concurrence in the amendments proposed to the 2nd, 4th, 6th, 7th, 8th, 16th, 17th, 18th and 20th bills.

And the question being taken on the passage of the tenth bill, it passed in the affirmative.

The Yeas and nays being required thereon by messrs. Rowan and Mills, were as follows, to-wit :



Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Dallam, Davenport, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Ewing, Fleming, Gaines, Garrison, Gilmore, Given, Goode, Grant, Grundy, Helm, Hopson, Hunter, Jameson, J. Jones, Irvine, Lackey, Love, Mercer, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, Owings, Reeves, Robertson, Rudd, Shepard, Slaughter, South, Stapp, T. Stevenson, Todd, Trigg, Turner, Wall, P. White, D. White, Wier, Wickliff, Woods and Yantis—65.

Nays—Messrs. Cummins, Cunningham, Gaither, Green, Harrison, Metcalfe, M'Millan, Rowan and Underwood—9.

*Ordered*, That mr. D. White, inform the senate thereof.

*Ordered*, That the ninth bill be committed to a select committee of messrs. Metcalfe, Wall and Holman ; and the fourteenth to the committee for courts of justice.

And then the house adjourned.

#### MONDAY, JANUARY 27, 1817.

On the motion of mr. Clarke :

*Ordered*, That leave be given to bring in a bill to regulate the town of Falmouth, and for other purposes ; and that messrs. Clarke, Yantis and Lackey, be appointed a committee to prepare and bring in the same.

Mr. Clarke immediately presented a bill under the title aforesaid :

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Clarke carry the said bill to the senate, and request their concurrence.

The house took up the amendments proposed by the senate, to bills from this house of the following titles :

1st, An act authorizing the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville academy ; 2nd, an act to prevent the circulation of private notes in this commonwealth ; 3rd, an act for the regulation of the town of Scottsville, and for other pur-

poses ; 4th, an act further to regulate the Greenville seminary ; 5th, an act authorizing the trustees of the town of Falmouth, to sell part of their public ground ; 6th, an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker ; 7th, an act relative to the stream of Nolin, in Hardin county ; and 8th, an act relative to the register's office :

Which being severally twice read, the amendments proposed to the 1st, 2nd, 3rd, 4th, 5th, and 6th, were concurred in, with amendments to those proposed to the 4th and 6th bills ; and those of the 7th and 8th bills, were disagreed to.

*Ordered*, That the clerk inform the senate thereof.

The house took up the amendments proposed by the senate to the resolutions from this house relative to the free navigation of the river Mississippi :

Which being twice read, was concurred in.

*Ordered*, That the clerk inform the senate thereof.

A message from the senate by Mr. Owens :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act providing for a change of venue, in the case of Armistead Churchill, with amendments :

In which they request the concurrence of this house.

And then he withdrew.

Mr. Fleming from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles :

An act for the benefit of the heirs of William Johnson, late sheriff of Shelby county ; an act for the benefit of the heirs of Edmund Taylor, deed. of Campbell county ; an act for the benefit of Joshua Cates ; an act to legalize certain proceedings of the Warren seminary ; an act for the benefit of the sheriff of Caldwell county ; an act further to suspend law process in certain cases ; an act authorizing the trustees of the town of Maysville to sell their public ground ; an act for the relief of John M'Ferrin sheriff of Barren county ; an act to establish an election precinct in the county of Livingston ; an act for the benefit of Benjamin Fisher ; an act for the benefit of the widow and heirs of Abraham Rainey ; an act for the benefit of the heirs of John M'Asce ; an act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes ; an act for the benefit of the heirs of John Jackson and James W. Brand, deceased ; an act for the benefit of the heirs of William Morgan, deceased ; an act to provide for the collection of the revenue of Hopkins county for

the year 1815; an act for the benefit of Caty and Rosa Bennett; an act to prevent the circulation of private notes in this commonwealth; an act concerning the towns of Versailles and Glasgow, and an act for the better regulation of the town of South Frankfort.

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Fleming inform the senate thereof.

A message from the lieutenant governor by mr. Pope, his secretary :

*Mr. Speaker*,

I am directed by the lieutenant governor to inform this house that he did on this day approve and sign enrolled bills which originated therein of the following titles :

An act for the relief of Nehemiah Cravens; an act for the benefit of certain delinquent militia of the 38th regiment; an act for the benefit of the heirs of Sarah Ward, deceased; an act for the relief of John Goodlett; an act for the benefit of John M'Combs; an act for the relief of Esther Smiley; an act to incorporate the Hope Distillery company; a resolution requiring the Auditor to make out a list of lands sold at the Register's sales in November last.

And then he withdrew.

*Ordered*, That mr. Underwood inform the senate thereof.

An engrossed bill entitled, an act to amend an act entitled, an act regulating certain surveys, was read a third time, and amended by way of engrossed ryder.

The question was then taken on the passage of said bill, upon which it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Mills and Todd, were as follows, to-wit :

Yeas—Messrs. Armstrong, Barrett, Bowman, Caldwell, Carson, Clarke, Cooke, Davis, Dollerhide, Duncan (of Daviess) Duncan, (of Lincoln) Fleming, Gaither, Garrison, Gilmore, Given, Goode, Green, Harrison, Hart, Hawkins, Helm, Hopson, Hornbeck, H. Jones, Lackey, Love, Mercer, Metcalfe, M'Mahan, M'Millan, Rowan, Shepard, Slaughter, S. Stevenson, Stapp, Todd, True, Turner and D. White—40.

Nays—Mr. Speaker; messrs. Barbour, Birney, Blackburn, Booker, Breckenridge, Coburn, Cotton, Cummins, Cunningham, Dallam, Davenport, Davidson, Gaines, Grant, Grundy, Hunter, Jameson, Irvine, Marshall, Mills, Monroe, Owings, Parker, Reeves, Robertson, Rudd, South, T. Stevenson, Trigg, Underwood, Wall, Wier, Wickliffe, Woods and Yantis—36.

*Ordered*, That mr. Todd carry the said bill to the senate and request their concurrence.

An engrossed bill entitled, an act for the disposition of Bibb's reports, was read a third time and the blanks therein filled.

Mr. Rowan then moved to lay the said bill on the table until the first day of March next.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Blackburn and Mills, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Barbour, Barrett, Booker, Bowman, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cooke, Cotton, Cunningham, Dallam, Davis, Dollerhide, Duncan (of Daviess), Duncan (of Lincoln), Eggleston, Fleming, Gaither, Given, Goode, Grant, Green, Grundy, Hart, Helm, Hopson, Hornbeck, J. Jones, Irvine, Lackey, Logan, Love, Mercer, Metcalfe, Owings, Reeves, Robertson, Rowan, Rudd, South, Stapp, Turner, Underwood, Wier, Wickliffe and Woods—40.

Nays—Messrs. Armstrong, Birney, Blackburn, Commins, Davenport, Davidson, Garrison, Gilmore, Harrison, Hawkins, Hunter, Jameson, H. Jones, Mills, Monroe, M-Millan, Parker, Shepard, Slaughter, S. Stevenson, T. Stevenson, Todd, Trigg, True, Wall, P. White, D. White and Yantis—29.

An engrossed bill entitled, an act to provide for the sale of part of the public ground in the town of Hopkinsville, was read a third time, and amended by an engrossed clause by way of ryder.

*Resolved*, That the said bill as amended do pass, and that the title thereof be amended by adding thereto the words, "and for other purposes."

*Ordered*, That mr. Dallam carry the said bill to the senate, and request their concurrence.

A message from the senate by mr. Ewing :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles :

An act to amend the act for the benefit of actual settlers ; also to amend the act to appropriate the vacant lands in this commonwealth ; and an act for the relief of the sheriffs of this commonwealth, with an amendment to the latter :

In which they request the concurrence of this house.

And then he withdrew.



A message from the senate by mr. Lancaster :

*Mr. Speaker,*

The senate have passed a bill entitled, an act for the benefit of the heirs of Edmund Eggleston, junr. and Punphret Waller, deceased :

In which they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled, an act to prevent the fraudulent practice of surveying or patenting land manifestly off and at a distance from entries or locations originally made, unless legally removed as the law on that subject directs ; was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That mr. Ewing carry the said bill to the senate, and request their concurrence.

An engrossed bill entitled, an act to establish an Independent Bank at Louisville ; was read a third time.

Mr. Monroe then moved to attach to said bill the following engrossed clause by way of ryder, viz :

All the notes and bills that may be issued by the principal bank established by this act, and the branches thereof that may be established, shall be received in said bank and each of said branches, in payment of all debts due to, or that may be payable at said bank or either of her branches ; and should either of said branches refuse or fail to discharge any note, bill or debt upon herself, the principal bank shall, on such note, bill or debt being presented to her, with evidence of such refusal or failure, discharge the same, under the same penalty as provided in case of her own debts.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Monroe and South, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Birney, Blackburn, Bowman, Cunningham, Davidson, Davis, Dollerhide, Duncan (of Davies) Eggleston, Fleming, Goode, Grant, Green, Grundy, Harrison, Hawkins, Hopson, J. Jones, Mercer, Mills, Monroe, M'Millan, Parker, Reeves, Slaughter, South, Stapp, T. Stevenson, Trigg, Underwood, Wickliffe, Woods and Yantis—85.

Nays—Messrs. Barbour, Barrett, Booker, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cotton, Cummins, Daltam, Davenport, Duncan (of Lincoln) Ford, Gaines, Gilmore, Given, Hornbeck, Hunter, Jameson, Irvine, Logan, Love,

Marshall, Metcalfe, Moorman, Owings, Robertson, Rowan, Rudd, Shepard, S. Stevenson, Todd, True, Turner, Wall, P. White, D. White and Wier—39.

The following engrossed clauses by way of rider were attached to the said bill, viz :

*Be it further enacted*, That whenever the president and directors of any branch bank established by this act, shall think proper to discontinue such branch, it shall and may be lawful for them, after taking in all the notes of such branch in circulation, or reserving funds sufficient to take them in on being presented for payment, to distribute the capital stock of such branch among the shareholders in proportion to the number of shares they may respectively be entitled to; and nothing in this act shall be so construed as to authorize the president and directors of the mother bank to control the capital stock of the branches in any way in case of their discontinuance.

*Be it further enacted*, That if the cashier of the bank of Louisville, and also of each of its branches, shall fail to pay into the public treasury within one month after the dividends are declared, the semi-annual bonus reserved by this act, the attorney general at the instance of the auditor of public accounts, shall, without notice, on motion against the President, Directors & Co. of the branch aforesaid, obtain judgment in the name of the commonwealth for the amount so due, with six per centum per annum thereon till paid : To effectuate which judgment, a distringas may issue without replevin.

The question was then put on the passage of the bill, upon which it was decided in the negative; and so the said bill was rejected.

The yeas and nays being required thereon by messrs. Dollerhide and Armstrong, were as follows, to-wit :

Yeas—Messrs. Barbour, Barrett, Booker, Breckenridge, Clarke, Cummins, Dallam, Davenport, Eggleston, Ford, Gaines, Garrison, Given, Harrison, Hornbeck, Hunter, Jameson, Lackey, Logan, Love, Marshall, Metcalfe, Moorman, M'Mahan, Owings, Rowan, Rudd, Shepard, S. Stevenson, Todd, True, Turner, Wall, P. White, D. White and Wier—36.

Nays—Mr. Speaker; messrs. Armstrong, Birney, Blackburn, Bowman, Caldwell, Carson, Coburn, Cotton, Cunningham, Davidson, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Fleming, Gilmore, Goode, Grant, Green, Grundy, Hart, Hawkins, Hopson, J. Jones, H. Jones, Irvine, Mercer, Mills, Monroe, M'Millan, Parker, Reeves, Robert-

son, Slaughter, South, Stapp, T. Stevenson, Trigg, Underwood, Ward, Wickliffe, Woods and Yantis—44.

An engrossed bill entitled, an act further to regulate the fees of sheriffs and constables in this commonwealth; was read a third time, and the blank therein filled.

The question was then put on the passage of said bill, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Goode and Blackburn, were as follows, to-wit:

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Booker, Bowman, Breckenridge, Caldwell, Carson, Clarke, Cotton, Cummins, Dallam, Davenport, Davidson, Davis, Duncan, (of Daviess) Eggleston, Ewing, Fleming, Ford, Given, Grant, Hart, Hawkins, Hepson, Hunter, Irvine, Lackey, Logan, Love, Mercer, M'Mahan, Reeves, Rowan, Rudd, Slaughter, S. Stevenson, T. Stevenson, Todd, Turner, Underwood, Ward, P. White, D. White and Wier—46.

Nays—Messrs. Blackburn, Coburn, Cunningham, Dollerhide, Dunan, (of Lincoln) Gaines, Garrison, Gilmore, Goode, Green, Grundy, Harrison, Hornbeck, Jameson, J. Jones, H. Jones, Metcalfe, Mills, M'Millan, Owings, Parker, Robertson, South, Stapp, Trigg, True, Wall, Wickliffe, Woods and Yantis—30.

*Ordered*, That the title of said bill be amended to read "an act further to regulate the fees of sheriffs, constables and jailors in this commonwealth;" and that mr. Helm carry the said bill to the senate and request their concurrence.

A message from the senate by mr. Lee, their secretary:

*Mr. Speaker,*

The senate have received official information that the lieutenant governor did on this day approve and sign enrolled bills which originated therein of the following titles:

An act concerning the town of Louisville; an act to compel circuit judges to reside within the bounds of their circuits; an act to incorporate the Henderson Library company.

They concur in the amendments proposed by this house to bills from that of the following titles:

An act for the relief of the widow and heirs of William Harrell, John Stephens and William Harris; an act authorizing a lottery for opening a road from Owingsville, in Bath county, to Prestonsburg, in Floyd county, and an act further to regulate the Robertson Academy, in Adair county. They concur in the amendments proposed by this house, upon concurring in those proposed by that, to the bill from this house entitled, an act further to regulate the Greenville Seminary.

They disagree to a resolution from this house, appointing a joint committee to examine a machine for breaking hemp and flax, invented by Thomas Pullen. They unanimously concur in the resolutions from this house, in relation to the law increasing the compensation to members of congress. They recede from the amendment proposed to a bill from this house entitled, an act relative to the register's office.

They have passed bills from this house of the following titles, to-wit :

An act for the benefit of William Marrs ; an act for the benefit of Thomas Rankin, senr. ; an act for the relief of George W. Morton ; an act for the relief of Isaac Great-house ; an act for the benefit of Marlborough, a person of colour ; an act for the benefit of William Wright ; an act for the relief of Isaac Harel ; an act to amend and explain an act entitled, an act to amend the act to ascertain the boundaries of, and for processioning lands ; an act for the relief of Sally W. Boler ; an act to authorize Daniel Weisinger to convey certain lots in the town of Frankfort ; an act for the benefit of Henry Martin ; with an amendment to the first.

And they have passed a bill entitled, an act to incorporate the Lexington Brewery company :

In which amendment and bill, they request the concurrence of this house.

And then he withdrew.

Mr. Breckenridge read and laid on the table, the following resolution, to-wit :

*Resolved*, That the general assembly of the commonwealth of Kentucky, provide by law for electing a governor to fill the vacancy occasioned by the death of our late governor.

And then the house adjourned.

## TUESDAY, JANUARY 23, 1817.

The petition of Valentine Kinder, a citizen of the commonwealth of Pennsylvania, representing that he was entitled to four hundred and fifty acres of land, lying in Allen county, in this state ; which has been forfeited to the state for the non-payment of the taxes due thereon ; his agent in this state having failed to pay them, and praying that he may be permitted to redeem the same by paying up the taxes now due thereon, with interest and costs:

Was received, read and refered to a select committee of messrs. Underwood, Monroe, Garrison and South ; giving



said committee leave to report thereon by bill or otherwise.

The Speaker laid before the house the following letter from John P. Thomas, Esq. treasurer of this commonwealth, which was received and read, to-wit :

*Treasury, 27 January, 1817.*

SIR,

As I have received one hundred and fifty dollars counterfeit notes the last year, I hope your honorable house will appropriate that sum for me. The notes I have to shew to any gentleman who may wish to see them.

Respectfully, I am sir,

Your obedient servant.

JOHN P. THOMAS.

Mr. Blackburn from the select committee appointed to investigate certain charges against Samuel Turner, Esq. a justice of the peace for Gallatin county, made the following report, to-wit :

The select committee to whom was referred the charges exhibited against Samuel Turner, a justice of the peace for the county of Gallatin, have had the same under consideration ; and after having examined the evidence on the part of the commonwealth, as well as the evidence produced by the said Turner, were of opinion that the charges were supported by evidence and so expressed their opinion in the presence of said Turner ; but before your committee made up a formal report thereon, their chairman read a copy of the record of the Gallatin county court evidencing the resignation of the said Turner, as a justice of the peace, in the words and figures following :

*To the county court of Gallatin.*

Gentlemen,

I am induced from various reasons, to offer to you my resignation as a justice of the peace for the county of Gallatin ; you will therefore, gentlemen, consider this letter as my resignation, and have the resignation entered of record ; I have been induced to this step from the persecutions I have lately experienced in my judicial capacity. This, indeed appears to be the age of investigation, and I am amongst the unfortunate ; I have been called before the legislature to respond to charges which I know to be unfounded ; I have defended myself before a committee of that honorable body, for many days ; they have adjourned from day to day, until my patience has been worn out ; and although fearless of the result, believing I should be able to prove my innocence, as dif-

difficult as it is to prove negatives, were I in a situation to attend the committee at their next meeting ; but I cannot leave my family sick, and my domestic concerns suffering for my attention, to attend any longer ; besides the expences is too great for me to encounter, in further defending myself before this committee, who may adjourn again and again. I am gentlemen with the highest esteem, your most obedient servant.

SAMUEL TURNER.

*Gallatin county court, January 13, 1817.*

This resignation of Samuel Turner, as a justice of the peace for the county aforesaid, presented in court, accepted and ordered to be recorded.

Attest,

P. BUTLER, c. G. C. C.

A true copy from the records in my office,

Attest,

P. BUTLER, c. G. C. C.

*Wherefore resolved*, as the opinion of this committee, that it is unnecessary to proceed farther against the said Turner.

Which being twice read, was concurred in.

Mr. Metcalf from the select committee to whom was referred, a bill from the senate entitled, an act for the benefit of the Harrison Seminary, reported the same with an amendment :

Which being twice read, was concurred in.

And the said bill being further amended, was with the amendments, ordered to be read a third time.

And the rule of the house, and third reading of said bill as amended, being dispensed with,

*Resolved*, That the said bill as amended, do pass.

*Ordered*, That mr. Metcalf inform the senate thereof, and request their concurrence in the said amendments.

Mr. Ewing from the committee of finance, made the following report :

The Committee of finance have in obedience to the order of the house, examined into the situation of the revenue of the state, and beg leave to report, that agreeable to the estimate made by the auditor of the receipts and expenditures of the government for the year 1817, which estimate we deem may be relied upon : the present tax will be sufficient to meet the expenses of Government, without touching the state's dividend on her hank stock : Wherefore,

*Resolved*, as the opinion of your committee, that a law

sought to pass directing the treasurer forthwith to subscribe twenty five thousand dollars, a part of the state's dividend in bank stock, in the state bank; and that hereafter he subscribe semi annually, as soon as the state's dividend is declared, subscribe twelve thousand five hundred dollars in the like stock.

Which being twice read, was concurred in.

Leave was given to bring in the following bills :

On the motion of mr. Harrison :

A bill to regulate clerks fees ; and

On the motion of mr. Ewing :

A bill for the appropriation of money.

Messrs. Harrison, Booker, Grundy and Mills, were appointed a committee to prepare and bring in the former ; and messrs. Ewing, Blackburn, Booker, South and Todd, the latter.

Mr. Fleming from the select committee to whom was referred, a bill to authorize the transcribing certain entry books in the surveyor's office of Fayette county ; reported the same without amendment :

*Ordered*, That the said bill be engrossed, and read a third time to-morrow.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Caldwell—1st, a bill authorizing the county court of Jessamine, to extend the limits and open the streets of Nicholasville. By mr. Shepard—2nd, a bill for the benefit of the heirs of Richard M. Gano, deceased. By mr. Underwood—3rd, a bill for the relief of Valentine Kinder ; and by mr. Trigg—4th, a bill authorizing commissioners to open a road from Estill court house, leading by the Goose creek salt works, to the wilderness road ; and by mr. Ewing—5th, a bill for the appropriation of money.

Which were severally received and read the first time, and ordered to be read a second time.

And the rule of the house and second reading of the 1st, 2nd and 4th bills being dispensed with, the 1st, 2nd and 4th bills were ordered to be engrossed, and read a third time ; the latter on to-morrow.

And thereupon the rule of the house and third reading of the first and second bills, being dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof, be as aforesaid.

*Ordered*, That mr. Shepard carry the said bills to the senate, and request their concurrence.

Mr. Blackburn from the select committee to whom was referred, a bill for the better regulation of the town of Port William, in the county of Gallatin, reported the same without amendment.

And the question being taken on engrossing the said bill and reading it a third time, it passed in the negative, and so the said bill was rejected.

A message from the senate by mr. Churchill :

*Mr. Speaker,*

The senate have adopted a resolution requesting a branch bank to be located at Lexington and Louisville :

In which resolution, they request the concurrence of this house.

And then he withdrew.

A message from the Lieutenant Governor by mr. Pope, his secretary :

*Mr. Speaker,*

The lieutenant governor did on this day, approve and sign enrolled bills, which originated in this house, of the following titles :

An act for the benefit of the heirs of John Jackson, and James W. Brand, deceased.

An act to provide for the collection of the revenue of Hopkins county, for the year 1815.

An act to prevent the circulation of private notes in this commonwealth.

An act for the benefit of Caty and Rosa Bennett.

An act for the better regulation of the town of South Frankfort.

An act concerning the towns of Versailles and Glasgow.

An act for the benefit of the widow and heirs of Abraham Rainey.

An act for the benefit of the heirs of John M'Afee.

An act to establish election precincts in the counties of Clay, Warren and Hardin, and for other purposes.

An act for the benefit of the heirs of William Morgan, deceased.

And then he withdrew.

*Ordered,* That mr. Fleming inform the senate thereof :

Mr. Harrison from the select committee appointed for that purpose, reported a bill regulating clerks' fees :

Which was received and read the first time, and ordered to be read a second time.



And thereupon the rule of the house and second reading of said bill being dispensed with, the said bill was read a second time and amended.

Mr. Mills then moved to attach to said bill the following additional sections, to-wit :

*Be it further enacted,* That all clerks of courts, shall be subject to an action or actions of trespass for any distress made on the goods, chattels or slaves, of any individual or individuals, bodies politic or corporate, by virtue of any fee bill, which contains any illegal or improper item therein ; and no clerk of any court in this state, in any such action of trespass, shall be allowed to justify under any fee bill issued by him, if said fee bill shall contain on its face, a single illegal item or charge, or an item for which the services have not been actually performed, or shall omit the name or names of any of the parties legally chargeable therewith, or shall have been paid, or shall not strictly comport with the several laws in force, on the subject of fee bills ; and in such actions of trespass, the finding of the jury, if for the plaintiff or plaintiffs, shall not be less than three times the amount of the fee bill or fee bills, by virtue of which such distress was made.

*Be it further enacted,* That if any person or persons, shall pay any fee bill or fee bills, in which he may suspect or believe that there are some erroneous charges or items, or that such fee bill or fee bills, shall contain items for services not actually rendered, or that such fee bill or fee bills do not comport with the law in every respect, he, she or they may hand such fee bill or fee bills to the circuit judge, who presides in the county, where the person or persons having paid such fee bills reside, either in vacation or term time, as may be most convenient, and thereupon the circuit judge shall inspect said fee bill or fee bills, and if there shall be any item or charge contained in said fee bill or fee bills, or any of them, not authorized by law, or any item for services not actually rendered ; or if the name or names of any of the parties chargeable with such fee bill or fee bills shall be omitted, or said fee bill or fee bills shall not comport with the law in every respect, the said circuit judge at the next circuit court, holden for said county, if he shall have received said fee bill or fee bills in vacation, or at the same court, if he shall have received them in term time, shall, without any notice to said clerk proceed to quash such fee bill or fee bills, and to order the clerk to restore the money which has been paid for the whole of said fee bill or fee bills so quashed, and shall further proceed to fine the clerk who has issued such erroneous

fee bill or fee bills, in favor of the party so having paid the same, in any sum not less than one dollar nor more than four dollars for such items so improperly charged. But if the said circuit judge shall be of opinion that there is no error in such fee bill or fee bills, for which they ought to be quashed according to the provisions of this act, he shall restore it or them on application, to the person or persons placing them in his hands, without any costs or expence. And to recover the money so ordered to be restored, upon the quashal of any fee bill or fee bills, and also the fines by this act directed, the party shall be entitled to execution of fieri facias or capias ad satisfaciendum, as in other cases of judgments, on which executions shall be endorsed that "no security of any kind shall be taken;" and if any fee bill or fee bills shall be quashed in the court whose clerk has issued them, he shall not be entitled to any fees for the services, orders, entries or executions allowed by this act. But if such fee bill or fee bills shall have been issued by the clerk of any other court, all fees for the orders, entries and executions allowed by this act, in the case of quashing such fee bill or fee bills and inflicting the fines and recovering the money, shall be charged by the clerk who performs the services, to the clerk who issued such erroneous fee bill or fee bills, and shall be collected as other fees allowed to clerks by law in other cases.

*Be it further enacted,* That if distress shall be made on the goods, chattels or slaves of any person or persons, bodies politic or corporate, by any officer authorized to collect fee bills by distress, and the person or persons, bodies politic or corporate, whose property shall be so distrained, shall suspect that there are any illegal item or items in said fee bill or fee bills, or that they contain any of the illegalities for which said fee bill or fee bills may be liable to be quashed according to the provisions of the second section of this act, he, she or they may apply to the officer so making said distress for a correct copy of said fee bill or fee bills, and he shall grant the same made out in an accurate manner, and shall be entitled to a fee of twelve and a half cents for said copy, paid at the time of the delivery thereof; and thereupon the person or persons, bodies politic or corporate, against whom such fee bill or fee bills shall have issued, may lay said copy before the circuit judge who presides in the circuit court of his, her or their county; and if the said judge shall be of opinion, that said fee bill comes within the provisions of this act, he shall forthwith issue his order directing the officer making the distress,

to stop further proceedings till the matter is determined in court; and the officer making the distress shall obey said order, and restore the property so distrained; and the circuit judge, if he has issued said order in term time, shall proceed to quash said fee bill or fee bills, and fine the clerk issuing the same, as directed by the second section of this act; or if he shall issue his order of restraint in vacation, he shall proceed at the next circuit court holden in and for that county, to quash the said fee bill or fee bills, and fine the clerk who has issued the same, in the same manner as is heretofore directed by this act in case of fee bills already paid.

*Be it further enacted,* That in all suits in chancery or at common law, where there are more complainants or plaintiffs, or more defendants than one, and such parties shall sever in their pleas, answers, replications or other pleadings, so that any one or more of them shall cause the clerk to render separate services, for which the rest ought not to be liable; or if in the progress of the cause, any one or more of the parties, complainants or plaintiffs or defendants, shall incur costs due to the clerk which are clearly severable from the preparations of other parties on the same side, the clerk shall charge such fees separately to those for whom the service was separately rendered, and shall not include the remaining parties on the same side in said fee bill; and if any clerk shall otherwise issue his fee bill or fee bills, or in his fee bill or fee bills shall omit the name of any person chargeable therewith, or shall insert the name of one not chargeable therewith, his fee bill or fee bills so wrongfully issued, shall be subject to be quashed, and he to be fined, or to an action of trespass, according to the provisions of the first, second and third sections of this act.

*Be it further enacted,* That executors, administrators and guardians in all suits in their representative character, and in which judgment or decree ought or might be entered against the goods and chattels of their testator or intestate or ward, shall not be liable for the fees of any clerk, sheriff or other officer out of their own estate; but such charges shall be made against and collected out of the goods, chattels and slaves of their testator, intestate or ward alone, and no distress shall be otherwise made for any such fee bills issued against them.

*Be it further enacted,* That the clerk of each court shall tax all costs due to him when he is about to issue any execution in words at length on some of the papers filed, or on some other paper filed by him among the papers in the suit; and

the circuit court of any county shall, on the request of any defendant or defendants, in any execution, who may suspect that he, she or they have been charged with illegal fees of the opposite party, for which the clerk may hold the other side responsible and include them in the execution, inspect and revise said taxation in any action or suit; and if upon such inspection, it shall appear that the clerk has charged one single item of the costs of the other party, which the law as it now exists, does not allow to be charged against the plaintiff or plaintiffs in such execution, such circuit court shall forthwith render judgment against such clerk for the amount of the item or items so improperly taxed and included; and shall also inflict a fine on the clerk, of four dollars for every such item, which shall be recovered by execution as directed in the second section of this act without replevin; and no notice to the clerk shall be necessary for such proceeding, nor shall he be entitled to any fees for any order, entry or execution allowed by this section of this act.

*Be it further enacted,* That nothing in this act contained shall be so construed as to repeal so much of the latter part of the fourteenth section of an act entitled, an act to reduce into one the several acts for the better regulating and collecting certain officers' fees, approved the 22d day of December, in the year one thousand seven hundred and ninety eight, as allows persons to proceed for illegal or improper charges before a justice of the peace; or to repeal so much of the act entitled, an act to amend the several acts of assembly concerning clerks of courts in this commonwealth, approved the thirty first day of January, in the year one thousand eight hundred and ten, as allows any person or persons to proceed by motion against any clerk in the court of which he is clerk; but any person or persons may proceed against any clerk or clerks according to the provisions of the first or second recited act, or of this act, as he, she or they may elect, or as one of the different acts may best suit his case.

*Be it further enacted,* That the clerks of the several county and circuit courts within this commonwealth, where clerks' offices have been heretofore erected, either on the public ground or within the limits of the town lots of the several seats of justice, shall, from and after the first day of May next, keep their respective offices in the buildings so provided, and where no office or offices have been provided on the public ground or within the limits of the town lots of such seat of justice, it shall be the duty of the several county courts, as soon as it may be convenient, to erect public build-



ings on the public ground at their respective court houses, or within the limits of their several towns as they may think proper. And the said clerks shall keep their offices in the buildings so provided, any law to the contrary notwithstanding.

*Be it further enacted,* That every clerk failing or refusing to comply with the provisions of the foregoing section, shall forfeit and pay the sum of        dollars for every hour, he or they shall so fail or refuse, recoverable by action of debt, before any court having competent jurisdiction, by any person who shall sue for the same.

This act shall commence and be in force from and after the first day of April next.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Mills and South, were as follows, to wit:

Yeas—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Bowman, Breckenridge, Carson, Cox, Dallam, Davis, Dollerhide, Duncan (of Lincoln) Eggleston, Ewing, Fleming, Ford, Garrison Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hickman, Hopsen, Holman, Hornbeck, Hunter, Jameson, J. Jones, Irvine, Lackey, Logan, McCreer, Mills, Monroe, M'Hatton, M'Mahan, M'Millan, Owings, Reeves, Rice, Robertson, South, S. Stephenson, Stapp, T. Stevenson, Todd, Turner, Underwood, Ward, L. White, D. White, Wickliffe, Woods and Yantis.—62.

Nays—Messrs. Becker, Caldwell, Clarke, Coburn, Cooke, Cotton, Cummins, Cunningham, Davenport, Davidson, Duncan (of Daviess) Gaines, Love, Marshall, Metcalfe, M'Coun, Parker, Rowan, Rudd, Slaughter, True, Wall and Wier.—22.

The said bill as amended, was ordered to be engrossed, and read a third time to-morrow.

The house took up a resolution which was laid on the table on yesterday, relative to the election of a governor to fill the vacancy occasioned by the death of our late governor, which being twice read, was committed to a committee of the whole house on the state of the commonwealth for to day.

The house then according to the standing order of the day resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Robertson in the Chair; which being resumed by Mr. Speaker, Mr. Robertson reported that the committee had according to order, had under

consideration a resolution relative to the election of a governor, to fill the vacancy occasioned by the death of the late governor George Madison; but not having time to go thro' the same, had instructed him to ask for leave to sit again. And then the house adjourned.

### WEDNESDAY, JANUARY 29, 1817.

On motion of Mr. Rudd:

*Ordered*, That the report of the committee for courts of Justice on the petition of Henry W. Meriwether, be re-committed to said committee.

A message from the senate by Mr. Yancey:

*Mr. Speaker,*

I am directed by the senate to ask leave to withdraw their report upon a resolution from this house to appoint a joint committee to examine a machine for breaking hemp and flax, invented by Thomas Pullen.

And then he withdrew.

The house took up a resolution from the senate, requesting the location of branch banks of the United States bank at Lexington and Louisville, which was twice read as follows, to-wit:

IN SENATE, January 28, 1817.

*Resolved*, By the general assembly of the commonwealth of Kentucky, That the president and directors of the bank of the United States, be, and they are hereby requested to place a branch of that bank in the town of Lexington, and at the falls of the Ohio river, in the town of Louisville.

*Resolved*, As the opinion of this legislature, that the location of a branch of the United States, in the town of Lexington and Louisville, would promote the prosperity and commercial interest of the good people of this state, and of the western country generally.

*Extract, &c.*

WILLIS A. LEE. c. s.

Which, being amended by inserting after the word, "and" in the sixth line, of the first resolution the words, "another," by striking out the article, "a," in the second line of the second resolution, and adding to the word, "branch," the letters, "es," inserting after the word, "states," in the same line the words, "bank," and adding to the word, "town," in the third line the letter "s,"

Was concurred in.

*Ordered*, That mr. Rowan inform the senate thereof, and request their concurrence in the said amendments.

A message from the senate by mr. Yancey :

*Mr. Speaker*,

The senate have adopted a resolution from this house appointing a joint committee to examine a machine for breaking hemp and flax, invented by Thomas Pullen.

And then he withdrew.

The house took up a resolution to remove the seat of government ;

It was then moved to lay the said resolution on the table until the first day of March next.

And the question being taken thereon it passed in the affirmative.

The yeas and nays being required thereon by messrs. Green and Grundy, were as follows, to wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Booker, Bowman, Caldwell, Carson, Clarke, Coburn, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Duncan (of Daviess) Eggleston, Ewing, Fleming, Ford, Gaines, Gilmore, Grant, Green, Hart, Hawkins, Hickman, Hopson, Holman, Hunter, Jameson, H. Jones, Irvine, Lackey, Logan, Marshall, Mercer, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Parker, Reeves, Rice, Robertson, Shepard, South, T. Stevenson, Todd, Trigg, True, Wall, Ward, P. White, Wier, Wickliffe and Yantis.—63.

Nays—Messrs. Cooke, Cotton, Duncan (of Lincoln) Gaither, Garrison, Given, Goode, Grundy, Harrison, Helm, Hornbeck, J. Jones, Rowan, Rudd, Slaughter, Spillman, S. Stevenson, Stapp, Turner and Woods.—20.

The house took up the amendments proposed by the senate to a bill from this house entitled, an act providing for a change of venue in the case of Armistead Churchill.

The first amendment of the senate proposes to strike out "Shelby," as the county in which the prisoner may elect to be tried, on the indictment for murder depending against him in Jefferson, and to insert in lieu thereof, the county of "Green."

It was then moved and seconded, to concur in the amendment, with the following amendment, "strike out the county of Green," and insert "Bullitt."

A division of the question was called for and the question first put on striking out "Green," which was decided in the affirmative.

The question was then put on inserting Ballitt, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Logan and Eggleston, were as follows, to-wit :

Yeas—Messrs. Barrett, Birney, Booker, Bowman, Breckenridge, Caldwell, Carson, Clarke, Coburn, Cooke, Cotton, Cunningham, Dallam Davidson, Davis, Dollerhide, Duncan (of Daviess) Ewing, Gaither, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hart, Hawkins, Helm, Holman, H. Jones, Irvine, Marshall, Mercer, Metcalfe, Moorman, Monroe, M'Hatton, M'Mahan, M'Millan, Rowan, Rudd, Shepard, Slaughter, South, S. Stephenson, Stapp, Todd, Turner, Underwood, Ward, P. White, Wier, Woods and Yantis.—55.

Nays—Mr. Speaker; messrs. Armstrong, Barbour, Blackburn, Cox, Cummins, Davenport, Duhean (of Lincoln) Eggleston, Fleming, Ford, Gaines, Garrison, Hickman, Hopson, Hornbeck, Hunter, Lackey, Logan, Love, Mills, M'Coun, Parker, Rice, Robertson, Spillman, T. Stevenson, Trigg, True, Wall, D. White and Wickliffe.—32.

The remaining amendments proposed by the senate, were concurred in, with amendments to the second and fourth.

*Ordered*, That mr. Blackburn inform the senate thereof, and request their concurrence in the amendments proposed.

The house took up the amendments proposed by the senate to bills from this house, of the following titles :

An act for the relief of sundry sheriffs of this commonwealth ; and an act for the benefit of William Marrs.

Which being twice read, those proposed to the former bill were concurred in ; and those to the latter, disagreed to.

*Ordered*, That mr. Ewing inform the senate thereof.

The speaker laid before the house a letter from Matthew Lyon, Esq. suggesting reasons why a bill from the senate entitled, an act respecting the seat of justice of Caldwell county, should not pass; and accompanied by sundry counter petitions thereto, and other documents ;

Which were received and laid on the table.

A message from the senate by mr. Churchill :

*Mr. Speaker*,

The senate concur in the amendments proposed by this house, to the resolution from that, requesting the location of branch banks of the bank of the United States at Lexington and Louisville.



And they have passed a bill entitled, an act to establish a hospital in the town of Louisville :

In which they request the concurrence of this house.

And then he withdrew.

The house then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, mr. Yantis in the chair, which being resumed by mr. Speaker, mr. Yantis reported that the committee had according to order, had under consideration a resolution relative to the election of a governor to fill the vacancy occasioned by the death of the late governor.

And had adopted the following resolution in lieu of the original, which he handed in at the clerk's table, to-wit :

*A resolution declaring the sense of the legislature with respect to an election, to fill the vacancy occasioned by the death of his late Excellency George Madison.*

THE late mournful event, the death of his late excellency George Madison, may have excited in the minds of some, the constitutional enquiry, whether the lieutenant governor must exercise the functions of governor during the residue of the gubernatorial term, or whether this legislature can provide by law for a re-election to fill the vacancy ? It will be readily admitted that the right of suffrage ought to be supported by this body, and that every door to the exercise of that right should be fully opened by statutory provisions. But at the same time a greater stretch at an unlimited exercise of that choice privilege than the constitution will justify, ought not to be made. By that charter the people in convention assembled have seized upon, secured and provided for many of their rights and privileges, and restrained the departments of government, as if too jealous to trust them to the yearly provisions of this assembly; or have counted them too sacred to be exposed to the jeopardy and hazard of momentary feelings or party zeal. It will also be admitted that where the voice of the people, expressed in that broad charter of their liberties, has not restricted and forbidden the exercise of power, that power remains with them and may be exercised by their representatives. But it must at the same time be acknowledged, that where the constitution has in constructing the machinery of government, fixed any part of its organs, and provided the mode of appointing its officers, there we as a legislative body cannot derange its organization by substituting any thing in its place. It has said, that elections shall be held on the first Monday in August, annually : It has no where said, that they shall not be held at any other

period; yet the legislature could never fix upon any other day. It has said, that senators shall be elected for four years: It no where declares that they shall not be elected for a longer or shorter period; yet a provision by law for a longer or shorter time of service to that branch of the legislature would be inoperative and void. It has said, that the legislature shall direct the mode of issuing writs of election to fill vacancies in either branch; and has not expressly restricted other modes of supplying vacancies; yet a legislature, it is presumed, could not be found hardy enough to fill a vacancy by its own vote, or executive appointment. The governor by and with the advice and consent of the senate, must appoint and commission all officers, whose appointment is not otherwise provided for, while other modes of appointment are not expressly forbidden; yet an act of assembly, cannot create a judge or commission even a justice of the peace. In like manner the governor shall be elected at the end of every four years; can we elect one in the intermediate space of time? The successor of the governor is pointed out, and even the successor of that successor; can we substitute another successor unknown to the constitution? The officer assigned to fill the place of the governor, must be elected simultaneously with him; can we create one that is not elected with him? Such a conclusion must not only be preposterous, but subversive of the instrument which we ought to support. If this body can by legislation, or the people by election, create a governor to fill fractional periods, it must be only in those cases where the constitution is silent and has furnished no remedy; such a case has not occurred; no such event has happened. Without, therefore, further reasoning on this subject, this legislature does not hesitate to declare that the present lieutenant governor now acting as governor, is the constitutional incumbent of that office, until the next revolving period of four years has elapsed, when the right of free suffrage again will recur; and they decidedly concur in the following resolution:

RESOLVED, By the general assembly of the commonwealth of Kentucky, That the present lieutenant governor is entitled to hold, by constitutional right, the office of governor, during the residue of time for which his late excellency George Madison was elected, and that no provision can be made by law for holding an election to supply the vacancy.

And then the house adjourned.

THURSDAY, JANUARY 30, 1817.

Mr. Rowan from the committee for courts of justice, reported a bill to provide for a change of venue in the case of William Montgomery ;

Which was received and read the first time, and ordered to be read a second time.

Mr. Fleming from the joint committee of enrollments, reported that the committee had examined enrolled bills and resolutions of the following titles :

An act authorizing the county court of Fayette, to levy and collect a tax not exceeding three thousand dollars, for the benefit of the Fayette hospital ; an act authorizing the sale of part of the public ground in the town of Danville and incorporating the trustees of the Danville academy, and for other purposes ; an act authorizing the trustees of the town of Falmouth to sell part of the public ground ; an act to amend the act for the benefit of actual settlers, also to amend an act appropriating the vacant land of this commonwealth ; an act for the benefit of Marlbro, a person of colour ; an act for the benefit of William Wright ; an act authorizing Rudolph Neaf, to build a mill-dam on Green river ; an act for the benefit of Henry Martin ; an act for the relief of Isaac Great-house ; an act to authorize Daniel Weisiger to convey certain lots in the town of Frankfort ; an act for the relief of Sally W. Boler ; an act for the regulation of the town of Scottville, and for other purposes ; an act for the relief of certain sheriffs of this commonwealth ; Resolutions relative to the free navigation of the river Mississippi ; resolutions in relation to the law increasing the compensation to members of congress ;

And had found the same truly enrolled :

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That mr. Fleming inform the senate thereof.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker*,

The senate have received official information that the lieutenant governor did on the 28th inst. approve and sign enrolled bills, which originated in that house, of the following titles :

An act for the benefit of the securities of William Johnson, late sheriff of Shelby county.

An act for the benefit of the infant heirs of Edmund Taylor, deceased, of Campbell county.

An act to establish an election precinct in the county of Livingston.

An act for the benefit of Benjamin Fisher.

An act for the benefit of Joshua Cates.

An act to legalize certain proceedings of the Warren Seminary.

An act for the benefit of the sheriff of Caldwell county.

An act further to suspend law process in certain cases.

An act to authorize the trustees in the town of Maysville, to sell their public ground.

An act for the relief of John M'Ferrin, sheriff of Barren county.

They concur in the amendments proposed by this house to bills from that, of the following titles :

An act to regulate the town of New-Castle, in Henry county ; and an act for the benefit of the Harrison academy.

They disagree to the amendments proposed by this house to the bill from that entitled, an act to establish and regulate the town of Rossborough, in Daviess county.

They recede from their amendment proposed to a bill from this house entitled, an act relative to the stream of Nolin, in Hardin county.

They insist upon their amendments proposed to a bill from this house entitled, an act for the benefit of William Marrs.

They concur in the amendments proposed by this house upon concurring in those proposed by the senate to bills from this house of the following titles :

An act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased ; and an act providing for a change of venue in the case of Armistead Churchill.

They have passed bills from this house of the following titles :

An act for the benefit of the heirs of Richard M. Gano ; an act to regulate the town of Falmouth, and for other purposes ; an act for encouraging the importation of goods by the port of New-Orleans ; an act to provide for the sale of part of the public ground in the town of Hopkinsville, and for other purposes ; an act concerning the town of Burksville ; an act authorizing the county court of Jessamine, to extend the limits and open the streets of Nicholasville ; and an act to legalize the proceedings of the Estill county court, and for other purposes ; with an amendment to the latter.

And they have passed bills of the following titles :

An act concerning public jails ; an act for the benefit of



the widow and heirs of John Handley, deceased; an act concerning certain powers of attorney and conveyances, and admitting them, and copies thereof to be read in evidence in this commonwealth; and an act to increase the active capital of the bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscription on the part of the state;

In which amendment and bills they request the concurrence of this house.

And then he withdrew.

A message from the senate by mr. Ewing:

*Mr. Speaker,*

The senate have passed a bill entitled, an act to prevent the practice of surveying lands manifestly off and at a distance from their original locations:

In which they request the concurrence of this house.

And then he withdrew.

Mr. Wall from the select committee to whom was referred, a bill for the benefit of Robert Houston, reported the same with an amendment;

Which being twice read, was concurred in.

And the said bill as amended ordered to be engrossed and read a third time.

And the rule of the house, and third reading and engrossment of said bill being dispensed with,

*Ordered,* That the said bill be laid on the table until the first day of March next.

A bill concerning the marriage of George Morrison, was read a second time.

And the question being taken on engrossing the said bill and reading it a third time, it passed in the negative, and so the said bill was rejected.

A bill for the benefit of the estates of David Niess and George Thompson, deceased:

Was read a second time, amended and ordered to be engrossed and read a third time.

And thereupon the rule of the house and third reading of said bill being dispensed with, and the same being engrossed;

*Resolved,* That the said bill do pass, and that the title thereof be, an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased.

*Ordered,* That mr. Marshall carry the said bill to the senate, and request their concurrence.

Mr. Breckenridge from the select committee appointed for that purpose, reported a bill to detach the counties of Camp-

bell and Boone, from the third judicial district, and further to regulate certain judicial districts in this commonwealth.

Which was received and read the first time, and ordered to be read a second time.

And the rule of the house being dispensed with, the said bill was read a second time, amended and ordered to be engrossed and read a third time to-morrow.

Mr. Speaker laid before the house a letter from messrs. Butler and Wood, containing proposals to bind the acts of the present general assembly, which letter is as follows, to-wit :

Frankfort, January 30, 1817.

SIR,

The subscribers engaged in the book selling and book binding business in this place, beg leave through you, to submit to the honorable house, over which you preside, the usual proposals for binding the laws on the former established terms of twenty five cents per copy.

At the same time, should it not appear improper to the honorable house, they would esteem the advance of one half of the price of the work (which they are informed was made to the late David Niess) as a particular accommodation in their business.

With the highest respect,

We have the honor to remain,

BUTLER & WOOD.

*The honorable the Speaker,  
of the house of representatives.*

The house then took up the amendment proposed to the committee of the whole house on the state of the commonwealth, to the resolution relative to the election of a governor to fill the vacancy occasioned by the death of the late governor George Madison ;

Which being twice read, was concurred in.

The question was then taken on adopting the said resolution as amended, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Davenport and Mills, were as follows, to-wit :

Yeas—Messrs. Barrett, Birney, Blackburn, Booker, Bowman, Caldwell, Carson, Cooke, Cotton, Cox, Cummins, Cunningham, Davidson, Davis, Doellerhide, Duncan (of Lincoln) Eggleston, Ewing, Ford, Gaither, Garrison, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hawkins, Helm, Holman, Hornbeck, H. Jones, Logan, Love, Marshall, Mercer, Mills, Moorman, Monroe, M'Coun, M'Hatton, M. Mahan, M'Millan, Reeves, Robertson, Rowan, Rudd, Ship-

ard, Slaughter, Spillman, S. Stephenson, Stapp T. Stephenson, Todd, True, Underwood, Ward, P. White, Wier, Wickliffe, Woods and Yantis.—63.

Nays—Mr. Speaker ; messrs. Armstrong, Barbour, Breckenridge, Clarke, Coburn, Dallam, Davenport, Duncan, (of Daviess) Fleming, Gaines, Hart, Hickman, Hopson, Hunter, Jameson, Irvine, J. Jones, Lackey, Metcalfe, Owings, Parker, Rice, South, Trigg, Turner, Wall and D. White.—28.

*Ordered*, That mr. Mills carry the said resolution to the senate, and request their concurrence.

A message from the lieutenant governor by mr. Pope, his secretary :

*Mr. Speaker,*

The lieutenant governor did on this day approve and sign enrolled bills and resolutions, which originated in this house of the following titles :

An act for the benefit of Marlbro, a person of colour.

Resolutions in relation to the law increasing the compensation to the members of Congress.

An act for the benefit of William Wright.

An act authorizing the county court of Fayette, to levy and collect a tax not exceeding three thousand dollars, for the benefit of the Fayette hospital.

An act authorizing the sale of part of the public ground in the town of Danville, and incorporating the trustees of the Danville Academy, and for other purposes.

Resolutions relative to the free navigation of the river Mississippi.

An act to amend the act for the benefit of actual settlers, also, to amend an act appropriating the vacant land of this commonwealth.

An act authorizing the court for the county of Pendleton to sell part of the public ground.

An act authorizing Rudolph Neat to build a mill on Green river.

An act for the relief of certain sheriffs of this commonwealth.

An act for the relief of Isaac Greathouse.

An act to authorize Daniel Weisiger to convey certain lots in the town of Frankfort.

An act for the regulation of the town of Scottville, and for other purposes.

An act for the benefit of Henry Martin.

An act for the relief of Sally W. Bofer.

And then he withdrew.

Mr. Underwood from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles :

An act for the relief of the widow and heirs of William Harrel, John Stephens and William Harris; an act to vest certain powers in the county court of Breckenridge county, in relation to certain seminary lands; an act authorizing a lottery for opening a road from Owingsville, in Bath county, to Prestonsburg, in Floyd county; and an act further to regulate the Robertson Academy, in Adair county; and an enrolled resolution requesting branch banks to be located at Lexington and Louisville;

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Underwood inform the senate thereof.

A bill to incorporate the Petersburg Steam Mill Company, and a bill incorporating the Winchester steam mill company; were severally taken up;

And thereupon the rule of the house and second and third readings of the said bills being dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That mr. M'Millan carry the said bills to the senate, and request their concurrence.

The house then took up a resolution from the senate relative to printing a certain number of copies of the militia law :

Which was twice read, and concurred in as follows, to-wit :

IN SENATE, January 23, 1817.

*Resolved*, By the general assembly of the commonwealth of Kentucky, That the public printers be directed forthwith to print thirty five hundred copies of the act passed at the present session, to amend the act concerning the militia, to be printed in a size and form to correspond with the present act on that subject; and that the secretary of State cause to be distributed to each commissioned officer in the militia of this state, one copy.

*Extract, &c.*

WILLIS A. LEE, c. s.

*Ordered*, That mr. Metcalfe inform the senate thereof.

And then the house adjourned.



FRIDAY, JANUARY 31, 1817.

On the motion of mr. Trigg :

*Ordered*, That leave be given to bring in a bill for the relief of the trustees of the Jefferson seminary, and for other purposes :

And that messrs. Trigg, Mills and Lackey be appointed a committee to prepare and bring in the same.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Yantis--1st, a bill for the benefit of the widow and heirs of John C. Johnson, deceased ; and by mr. Trigg--2d, a bill for the relief of the trustees of the Jefferson seminary, and for other purposes.

Which bills were severally received, and read the first time, and ordered to be read a second time.

And thereupon the rules of the house and second and third readings of said bills being dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That mr. Yantis carry the first ; and mr. Trigg, the second bill to the senate and request their concurrence.

Mr. Wall from the joint committee of enrollments, reported, that the committee had examined enrolled bills of the following titles :

An act for the benefit of George W. Morton ; an act for the benefit of Thomas Rankin, senr. ; an act authorizing the county court of Jessamine, to extend the limits and open the streets of Nicholasville ; an act concerning the town of Burksville ; an act relative to the register's office ; an act for the relief of Isaac Harrel ; an act concerning the Greenville and Bethel seminary ; an act for the benefit of the Harrison, Washington and Nicholas Seminaries ; an act to regulate the town of New-Castle, in Henry county ; and a resolution appointing a joint committee to examine a machine for breaking hemp and Flax, invented by Thomas Pullen :

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Wall inform the senate thereof.

Engrossed bills of the following titles :

1st, An act to incorporate the Green river iron manufacturing company ; 2nd, an act to authorize certain lotteries in this commonwealth ; 3rd, an act for the benefit of Mary K.

Baskerville and Martha Barkerville ; 4th, an act to increase the capital of the bank of Kentucky ;

Were severally read a third time, and the blanks in the first and second filled, and engrossed clauses added thereto by way of ryder, viz :

*Resolved*, That the first, second and third bills do pass ; that the title of the first be amended by adding thereto the words, and the Licking iron company ; that of the third to read, an act for the relief of the heirs of David Miller ; and that of the second be as aforesaid.

And the question being put on the passage of the fourth bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by messrs. Hunter and Monroe, were as follows, to wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Bowman, Clarke, Cooke, Cox, Cunningham, Dallam, Davenport, Davis, Ewing, Fleming, Gaither, Grant, Hart, Hickman, Hopson, Holman, J. Jones, H. Jones, Irvine, Logan, Marshall, Mills, Monroe, M'Coun, M'Hatton, M'Mahan M'Millan, Rice, Shepard, South, Stapp, Todd, Trigg, Turner, Underwood, P. White, Wier and Woods.—40.

Nays—Messrs. Barbour, Barrett, Birney, Blackburn, Booker, Breckenridge, Caldwell, Carson, Coburn, Cotton, Cummins, Davidson, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Ford, Gaines, Garrison, Gilmore, Given, Goode, Green, Grundy, Harrison, Hawkins, Helm, Hornbeck, Hunter, Jameson, Love, Mercer, Metcalfe, Parker, Rowan, Rudd, Slaughter, Spillman, S. Stephenson, T. Stevenson, True, Wall, Ward, D. White, Wickliffe and Yantis.—46.

A message from the senate by mr. Ewing :

*Mr. Speaker,*

The senate concur in the amendment proposed by this house, to a resolution from the senate for a final adjournment of the legislature, with the following amendment ; strike out the first day of February, and insert the " fourth," in which amendment they request the concurrence of this house.

And then he withdrew.

An engrossed bill entitled, an act to incorporate the western commercial company, was read a third time.

Mr. Monroe then moved to attach to the said bill the following engrossed clause by way of ryder, viz :

This corporation shall deal in no other goods nor property,

than the manufactures and growth of this state, which before or after the purchase thereof by the company, shall pass down the Mississippi river; and in foreign or domestic goods and property which the corporation shall cause to be brought up said river into this state. Any violation of this section shall be a forfeiture of this charter, any thing in this act to the contrary notwithstanding.

And the question being taken thereon it passed in the affirmative.

The yeas and nays being required thereon by messrs. Monroe and M'Millan, were as follows, to-wit:

Yeas—Messrs. Barbour, Barrett, Birney, Booker, Bowman, Breckenridge, Caldwell, Carson, Dallam, Davidson, Davis, Dollerhide, Duncan (of Lincoln) Eggleston, Gaither, Gilmore, Green, Grundy, Harrison, Hawkins, Hickman, Holman, Hunter, J. Jones, Love, Mercer, Metcalfe, Monroe, M'Millan, Owings, Reeves, Rowan, Rudd, Slaughter, South, Spillman, S. Stephenson, Stapp, Turner, Wall, D. White, Wier, Wickliffe and Yantis—11.

Nays—Mr. Speaker; messrs. Blackburn, Clarke, Cotton, Cox, Cunningham, Duncan (of Daviess) Ewing, Ford, Garrison, Given, Goode, Grant, Hart, Helm, Hopson, Hornbeck, Jameson, Lackey, Logan, Marshall, Mills, M'Conn, M'Hatton, Parker, Rice, Robertson, Shepard, T. Stephenson, Todd, Trigg, True, Ward and P. White,—24.

It was then moved and seconded to lay the said bill on the table until the first day of March next.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. Blackburn and South, were as follows, to-wit:

Yeas—Messrs. Armstrong, Birney, Booker, Bowman, Carson, Cotton, Cummins, Dallam, Davidson, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Eggleston, Ford, Gaither, Garrison, Gilmore, Goode, Grundy, Hawkins, Helm, Hornbeck, Hunter, J. Jones, H. Jones, Lackey, Logan, Love, Metcalfe, M'Hatton, Owings, Reeves, Robertson, Rowan, Rudd, Slaughter, Spillman, S. Stephenson, Stapp, Todd, Underwood, Ward, D. White, Wier, Wickliffe and Woods.—16.

Nays—Mr. Speaker; messrs. Barbour, Blackburn, Breckenridge, Caldwell, Clarke, Cox, Cunningham, Davenport, Davis, Ewing, Gaines, Given, Grant, Hart, Hickman, Hopson, Holman, Jameson, Marshall, Mercer, Mills, Monroe,



M'Com, M'Millan, Parker, Rice, Shepard, South, T. Stevenson, Trigg, True, Turner, Wall, P. White and Yantis.—36

Engrossed bills of the following titles :

1st, An act to authorize the transcribing certain entry books in the surveyor's office of Fayette county ; 2nd, an act authorizing commissioners to open a road from Estill court house, leading by the Goose creek salt works, to the wilderness road ; 3rd, an act regulating clerks' fees ; 4th an act to detach the counties of Campbell and Boone, from the third judicial district, and further to regulate certain judicial districts in this commonwealth ; and 5th an act for the benefit of the devisees of Ludowick Oneall.

Were severally read a third time, the blanks in the second and third filled ; and an engrossed clause added to the fourth by way of fry der.

*Resolved*, That the first, second, third, and fifth bills do pass, that the titles of the first, second and fifth be as aforesaid, and that of the third be amended by adding thereto the words, and for other purposes.

*Ordered*, That mr. Harrison carry the said bills to the senate, and request their concurrence.

The question being put on the passage of the fourth bill, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Rowan and Breckenridge, were as follows, to-wit :

Yeas—Messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Bowman, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Davenport, Davis, Dollerhide, Dunean (of Daviess) Dunean (of Lincoln) Eggleston, Ewing, Fleming, Ford, Garrison, Gilmore, Green, Grundy, Hickman, Holman, Hunter, Irvine, Lackey, Logan, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Com, Owings, Parker, Reeves, Rice, Robertson, Slaughter, South, Spillman, Stapp, T. Stevenson, Todd, Trigg, True, Turner, Underwood, Wall, P. White, Wier, Woods and Yantis.—61.

Nays—Messrs. Barrett, Caldwell, Davidson, Good, Grant, Harrison, Hawkins, Helm, Hopson, Hornbeck, M'Hutton, M'Millan, Rowan and Shepard.—11.

*Ordered*, That the title of the bill be amended by attaching thereto the words, and to alter the time of holding the Fayette and Scott circuit courts.

*Ordered*, That mr. Breckenridge carry the said bill to the senate, and request their concurrence.



A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate have passed bills from this house of the following titles :

An act incorporating the Winchester steam mill company; an act for the relief of the Trustees of the Jefferson Seminary and for other purposes ; an act for the benefit of the widow and heirs of John C. Johnson, deceased ; an act to incorporate the Petersburg steam mill company ; an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased ; and an act authorizing repairs to be made to the public buildings in the occupancy of the Governor ; with amendments to the three latter :

And they have passed a bill entitled, an act for the benefit of Hannah Gorham, and for other purposes :

In which amendments and bills, they request the concurrence of this house.

And then he withdrew.

A bill from the senate entitled, an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased ; and a bill from the senate entitled, an act respecting the seat of justice in Caldwell county ;

Were severally read the third time, as amended.

*Resolved*, That the said bills as amended do pass, and that mr. Mills inform the senate thereof, and request their concurrence in said amendments.

A bill from the senate entitled, an act to alter the time of the meeting of the legislature, was read a third time and an engrossed clause by way of ryder offered thereto ;

Which was twice read.

It was then moved and seconded at 47 minutes after 3 o'clock, P. M. that the house do adjourn.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Barrett and Underwood, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Breckenridge, Carson, Cummins, Dallam, Davenport, Davidson, Duncan (of Daviess) Eggleston, Ewing, Ford, Gaines, Gaither, Given, Grant, Grundy, Hickman, Hunter, J. Jones, Logan, Marshall, Metcalfe, Mills, Owings, Rice, Robertson, Rodd, Shepard, Slaughter, Spillman, T. Stevenson, Todd, Underwood, Wall, Ward, P. White and Woods.—57.

Nays—Messrs. Barrett, Blackburn, Booker, Bowman, Clarke, Cooke, Cotton, Cox, Cunningham, Davis, Dollerhide, Duncan (of Lincoln) Fleming, Garrison, Gilmore, Goode, Green, Harrison, Hart, Hawkins, Helm, Hopson, Holman, Jameson, H. Jones, Irvine, Lackey, Love, Mercer, Monroe, M'Coun, M'Hatton, M'Millan, Parker, Rowan, South, Stapp, Trigg and Turner.—39.

It was then moved and seconded, at 54 minutes after 3 o'clock, P. M. that the house adjourn.

And the question being taken thereon it passed in the affirmative.

The yeas and nays being required thereon by messrs. Owings and Irvine, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Birney, Breckenridge, Carson, Coburn, Cummins, Cunningham, Dallam, Davenport, Davidson, Eggleston, Ewing, Ford, Gaines, Gaither, Given, Grant, Hickman, Hunter, Jameson, J. Jones, Logan, Marshall, Mercer, Metcalfe, Mills, Moorman, Owings, Rice, Robertson, Rudd, Shepard, Slaughter, T. Stevenson, Todd, Underwood, Wall, Ward, P. White, Wier, Wickliffe, Woods and Yantis.—43

Nays—Messrs. Barrett, Blackburn, Booker, Bowman, Clarke, Cooke, Cotton, Cox, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Fleming, Garrison, Gilmore, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hopson, Holman, H. Jones, Irvine, Lackey, Love, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Parker, Reeves, Rowan, South, Spillman, Stapp, Trigg and Turner.—41.

#### SATURDAY, FEBRUARY 1, 1817.

On the motion of mr. Rowan :

*Ordered*, That leave be given to bring in a bill for the relief of Peter Sibert, and that messrs. Rowan, Cotton, Rudd and Harrison be appointed a committee to prepare and bring in the same.

Mr. Rowan from said committee immediately presented a bill under the title aforesaid :

Which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Rowan carry the said bill to the senate, and request their concurrence.

The petition of Green Clay, representing that he has several suits in the court of Appeals, and also several in the 10th judicial district, which cannot be tried owing to the judges of said courts, or some of them having been formerly employed as counsel, and that those in the 10th judicial district cannot be removed, under the existing laws, a change of venue having been once had ; and praying legislative relief ;

Was received, read and referred to the committee for courts of justice.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker*,

The senate concur in a resolution from this house declaring the sense of the legislature with respect to an election to fill the vacancy occasioned by the death of his late excellency George Madison.

And they have passed a bill entitled, an act to authorize the county courts to appoint inspectors of Flour :

In which amendment and bill, they request the concurrence of this house.

And then he withdrew.

The following bills were reported from the several committees appointed to prepare and bring in the same, to-wit :

By mr. Parker—1st, a bill increasing the powers of the trustees of the several towns in this commonwealth. By mr. Breckenridge—2nd, a bill authorizing the county court of Fayette, to lease out a part of the public ground in the town of Lexington. By mr. Mills—3rd an act to amend the laws regulating the towns of Paris, Millersburg, Bardstown, and for other purposes.

Which bills were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of said bills being dispensed with, and the same being engrossed,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That mr. Breckenridge carry the said bills to the senate, and request their concurrence.

Mr. Breckenridge from the select committee to whom was referred, an act to admit a copy of the bill of Samuel Drake,

deceased, to record in the Jessamine county court, reported the same with an amendment;

Which being twice read, was concurred in.

*Ordered*, That said bill with the amendment be laid on the table until the first day of March next.

Mr. Blackburn from the select committee to whom was referred a bill authorizing the acting governor to purchase arms for the use of the militia of this commonwealth, reported the same with an amendment;

*Ordered*, That said bill with the amendment be laid on the table, until the first day of March next.

Mr. Breckenridge moved for leave to bring in a bill to incorporate the Tammany steam mill.

And the question being taken thereon, it passed in the negative.

The house then proceeded to consider the amendment proposed by the senate upon concurring in that proposed by this house to a resolution from the senate for the final adjournment of the legislature.

Mr. Yantis then proposed to postpone the further consideration of said resolution until Tuesday next.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Rowan and Yantis, were as follows, to-wit:

Yeas—Messrs. Blackburn, Breckenridge, Clarke, Cotton, Davenport, Duncan (of Daviess) Fleming, Garrison, Hart, Hunter, Jameson, H. Jones, Lackey, Metcalfe, Mills, M'Conn, M'Millan, Parker, Robertson, Ruddy, Shepard, Spillman, T. Stevenson, Trigg, Underwood, Wier, Woods and Yantis.—28.

Nays—Mr. Speaker; messrs. Armstrong, Barbour, Barrett, Birney, Booker, Bowman, Carson, Coburn, Cooke, Cox, Cummins, Cunningham, Dallam, Davidson, Davis, Dollerhide, Duncan (of Lincoln) Eggleston, Ewing, Ford, Gaither, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hawkins, Hickman, Hopson, Holman, Hornbeck, J. Jones, Irvine, Logan, Love, Mercer, Marshall, Moorman, Monroe, M'Hatton, Owings, Reeves, Rice, Rowan, Slaughter, South, Stapp, Todd, Turner, Wall, Ward, P. White and D. White.—55.

Mr. Holman then moved to concur in said resolution by striking out Tuesday the 4th, and insert Thursday the 6th.

And the question being taken thereon, it passed in the negative.



The yeas and nays being required thereon by messrs. Rowan and Irvine, were as follows, to-wit :

Yeas—Messrs. Blackburn, Breckenridge, Clarke, Cotton, Cox, Davenport, Duncan (of Daviess) Fleming, Gaines, Garrison, Hart, Holman, Hunter, Jameson, H. Jones, Lackey, Mercer, Metcalfe, Mills, M'Millan, Parker, Robertson, Rudd, Shepard, Spillman, T. Stevenson, Trigg and Wall.—28.

Nays—Mr. Speaker ; messrs. Armstrong, Barrett, Birney, Booker, Bowman, Carson, Coburn, Cooke, Cummins, Cunningham, Dallam, Davidson, Davis, Dollerhide, Duncan (of Lincoln,) Eggleston, Ewing, Ford, Gaither, Gilmore, Given, Goode, Grant, Green, Grundy, Harrison, Hawkins, Helm, Hopson, Hornbeck, J. Jones, Irvine, Logan, Love, Marshall, Monroe, Moorman, M'Coun, M'Hatton, Owings, Reeves, Rice, Rowan, Slaughter, South, Stapp, Todd, Turner, Underwood, Ward, P. White, D. White, Wier, Woods and Yantis—56.

The said amendment was then concurred in.

*Ordered*, That mr. Holman inform the senate thereof.

Mr. Marshall read and laid on the table the following resolution, to-wit :

*Resolved*, By the General assembly of the commonwealth of Kentucky, that the acting governor be requested to lay before the legislature at their next annual meeting, the plan of an armory for the manufacturing of such a quantity of arms as may be requisite to supply the militia of this state, together with the probable expence of such establishment, and where a convenient and eligible scite for such armory may be had.

And the rule of the house being dispensed with, said resolution was taken up, twice read and concurred in.

*Ordered*, That mr. Marshall carry said resolution to the senate and request their concurrence.

The house took up a bill from the senate entitled, an act to alter the time of meeting of the general assembly, and the amendments proposed thereto which were again read.

Mr. Dallam then moved that said bill with the amendments, lie on the table until the first day of March next.

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon, by messrs. M'Hatton and Dallam, were as follows, to-wit :

Yeas—Messrs. Barbour, Birney, Booker, Breckenridge, Carson, Coburn, Cooke, Cotton, Cox, Cunningham, Dallam, Davidson, Davenport, Ford, Gaines, Given, Grant, Hickman, Hunter, Jameson, Lackey, Logan, Marshall, Metcalfe,

Mills, M'Coun, M'Millan, Reeves, Robertson, Rowan, Rudd, Shepard, Spillman, Todd, Trigg, Wall, Ward, P. White, D. White, Wier, Woods and Yantis.—42.

Nays—Messrs. Armstrong, Blackburn, Clarke, Cummins, Dollerhide, Duncan (of Lincoln) Duncan (of Daviess) Eggleston, Ewing, Fleming, Gaither, Garrison, Gilmore, Goode, Green, Grundy, Harrison, Hart, Hawkins, Helm, Hopson, Holman, H. Jones, Irvine, Love, Mercer, Monroe, M'Hatton, Parker, Rice, South, S. Stevenson, T. Steveason, Turner, Underwood and Wickliffe.—37.

The house proceeded to re-consider their amendment proposed to a bill from the senate entitled, an act to establish and regulate the town of Rossborough, in Daviess county :

Which was again twice read as follows, to-wit :

Strike out the word Rossborough wherever it occurs in the bill. Add to the bill, " Be it further enacted, that the said town shall hereafter be called and known by the name of Owenborough, in memory of the late Colonel Abraham Owen, who fell at Tippecanoe, in which name it is hereby established, and not in that of Rossborough.

Amend the title to read an act to establish and regulate the town of Rossborough, in Daviess county, and to change the name thereof.

Mr. Blackburn then moved the house to recede from the the said amendment.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Rowan and Blackburn, were as follows, to-wit :

Yeas—Messrs. Armstrong, Blackburn, Bowman, Breckenridge, Cotton, Cox, Dollerhide, Duncan (of Daviess) Ewing, Gaines, Goode, Harrison, Hart, Helm, Jameson, Metcalfe, Monroe, Rudd, Spillman S. Stevenson, Turner and Underwood.—23.

Nays—Messrs. Barbour, Birney, Booker, Carson, Clarke, Coburn, Cooke, Cunningham, Dallam, Davenport, Davidson, Eggleston, Fleming, Ford, Gaither, Garrison, Gilmore, Grant, Hawkins, Hickman, Hopson, Holman, Hunter, H. Jones, Logan, Love, Marshall, Mills, M'Coun, M'Hatton, M'Millan, Owings, Parker, Rice, Robertson, Rowan, Shepard, Slaughter, South, Stapp, Todd, Trigg, Wall, P. White, D. White, Wickliffe, Woods and Yantis.—48.

*Resolved*, That this house insist on their said amendment.

*Ordered*, That mr. Duncan inform the senate thereof.

The house again proceeded to consider the amendment pro-

posed by the senate, to a bill from this house entitled, an act for the benefit of William Marrs ;

Which was again twice read as follows, to wit : Add to the bill the following section, to-wit :

*Be it further enacted*, That the right, title and interest which the commonwealth may have to one thousand acres of land entered and surveyed in due time by virtue of a treasury warrant from Virginia, in the name of Thomas Philips, of Washington county, (and by the death of Colonel Andrew Hynes by whom the plat and certificate of survey was sent to the register's office, it has not been registered) at the passage of the act to appropriate vacant lands of this commonwealth, approved February 4th, 1815, shall be, and the same is hereby vested in the said Thomas Philips, his heirs, &c. and the registershall issue a warrant to said Thomas Philips, for the aforesaid 1000 acres free from the state charge thereon and as soon as the plat and certificate for said land is returned to him to issue a grant as in other cases : Provided, That the right, title and interest of all and each person or persons shall not be impaired by this section.

It was then moved and seconded, that this house adhere to their disagreement to the said amendment.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. South and Grundy, were as follows, to-wit :

Yeas—Messrs. Bowman, Cunningham, Duncan (of Da-icss) Fleming, Garrison, Gilmore, Hawkins, Helm, Hunter, Irvine, Love, Mills, M.Coun, M'Hatton, Robertson, Rowan, Shepard, Slaughter, South, Spillman, S. Stevenson, Todd, Trigg, P. White and Woods.—25.

Nays—Messrs. Armstrong, Barrett, Birney, Booker, Carson, Cooke, Cotton, Cox, Davidson, Davis, Eggleston, Ewing, Ford, Gaither, Given, Goode, Grant, Green, Grundy, Harrison, Hart, Hopson, Holman, Jameson, H. Jones, Logan, Metcalfe, Monroe, M'Millan, Owings, Reeves, Rudd, Stapp, Turner, Underwood, Wall, Ward, Wickliffe and Yantis.—40.

The said bill with the amendment was then laid on the table until the first day of March next.

A message from the senate by mr. Owens :

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act regulating clerks' fees, and for other purposes ; with amendments.

In which they request the concurrence of this house.  
And then he withdrew.

The house took up the amendments proposed by the senate to bills and a resolution from this house of the following titles, to-wit :

1st, An act to legalize the proceedings of the Estill county court, and for other purposes ; 2nd, an act regulating clerks' fees, and for other purposes ; 3rd, an act authorizing repairs to be made to the public buildings in the occupancy of the governor ; 4th an act to incorporate the Petersburg steam mill company ; 5th an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased ; and 6th, a resolution declaring the sense of the Legislature with respect to an election to fill the vacancy occasioned by the death of his late excellency George Madison.

Which being severally twice read, those to the 1st, 2nd, 4th, 5th and 6th, were concurred in.

The first amendment proposed by the senate to the 4th bill concurred in ; and the remainder disagreed to.

*Ordered*, That mr. Mills inform the senate thereof.

A message from the senate by mr. Lancaster :

*Mr. Speaker*,

The senate disagree to the amendments proposed by this house to the bill from that entitled, an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased. And then he withdrew.

A message from the senate by mr. Sharp :

*Mr. Speaker*,

The senate concur in the amendments proposed by this house to the bill from that entitled, an act respecting the seat of justice in Caldwell county. They recede from their disagreement to the amendments proposed by this house to the bill from that entitled, an act to establish and regulate the town of Rossborough, in Daviess county ; and they recede from their 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th amendments proposed to the bill from this house entitled, an act authorizing repairs to be made to the public buildings in the occupancy of the governor. And then he withdrew.

A message from the senate by mr. Garrard :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act to detach the counties of Campbell and Boone from the third judicial district, and further to regulate certain judicial districts in this commonwealth. And then he withdrew.



A message from the senate by mr. Yancey :

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act to incorporate the Green river Iron Manufacturing Company; and the Licking Iron Company, with an amendment; and they have passed a bill entitled, an act for the relief of John A. Holliday. In which amendment and bill they request the concurrence of this house. And then he withdrew.

A message from the senate by mr. Mason :

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act authorizing commissioners to open a road from Estill court house, leading by the Goose creek salt works, to the wilderness road, with an amendment. In which they request the concurrence of this house. And then he withdrew.

*Ordered,* That a bill to alter the time of the annual meeting of the legislature; a bill to extend an act entitled, an act further to suspend law process in certain cases; a bill providing for a revision of the statute laws of this commonwealth, and a bill to amend an act entitled, an act to amend an act entitled an act concerning occupying claimants of land, be laid on the table until the first day of March next.

The following bills were severally read a second time, viz :

1, A bill to allow an additional justice of the peace to the county of Cumberland; 2, a bill to alter the division line between the counties of Pulaski and Wayne; 3, a bill to establish a ferry across Green river on the lands of Urbin and Reuben Ewing, below Morgan town, in Butler county; 4, a bill for the relief of the administrator and securities of Samuel Ewing, deceased, former sheriff of Mercer county; 5, a bill authorizing the county court of Nicholas to convey the public ground in Ellisville; 6, a bill to provide for a more speedy recovery of the custody of children and wards when unlawfully detained from the custody of those entitled to their keeping and maintenance; 7, a bill for opening a road from Mountsterling to Prestonsburg, and 8, a bill for the benefit of Mary Ward.

Which bills were severally ordered to be engrossed and read a third time; the third on Monday next.

And thereupon the rule of the house and third reading of the 1st, 2d, 4th, 5th, 6th, 7th and 8th bills being dispensed with, and the same being engrossed.

*Resolved,* That the 1st, 4th, 5th, 6th, 7th and 8th bills do pass; that the title of the 1st be amended to read, an act to allow additional justices of the peace in certain counties in this

commonwealth; that of the 6th to read, an act to provide for the more speedy recovery of the custody of children and wards, and those of the 4th, 5th, 7th and 8th be as aforesaid.

*Ordered*, That mr. Mills carry said bills to the senate and request their concurrence.

And the question being put on the passage of the second bill it was decided in the affirmative.

The yeas and nays being required thereon by messrs. J. Jones and Rowan, were as follows, viz:

Yeas—Mr. Speaker; messrs. Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Cotton, Cox, Cummins, Cunningham, Dallam, Davis, Dollerhide, Duncan, (of Daviess) Duncan, (of Lincoln) Ewing, Garrison, Gilmore, Given, Goode, Grant, Green, Hart, Hopson, Love, Marshall, Metcalfe, M'Coun, M'Hatton, M'Millan, Parker, Reeves, Rice, Robertson, Shepard, Stapp, Stephenson, Underwood, Wier and Wickliffe—41.

Nays—Messrs. Barrett, Bowman, Clarke, Davidson, Eggleston, Fleming, Ford, Gaines, Gaither, Grundy, Hawkins, Helm, Hickman, Hornbeck, Hunter, J. Jones, Mills, Monroe, Rowan, Rudd, South, Todd, Trigg, Turner, D. White and Woods—26.

*Ordered*, That the title of the bill be as aforesaid, and that mr. Jones carry the same to the senate and request their concurrence.

Mr. Wall from the joint committee of enrollments reported that the committee had examined an enrolled bill entitled, an act for the benefit of the heirs of Richard M. Gano; a resolution for a final adjournment of the legislature, and a resolution for publishing a certain number of copies of the militia law:

And had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Wall inform the senate thereof.

A bill to amend an act entitled, an act to reduce into one the several acts concerning the limitation of actions, was read a second time.

Mr. Breckenridge then moved to lay the said bill on the table until the first day of March next:

And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Breckenridge and Rowan, were as follows, viz:

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Birney, Breckenridge, Clarke, Cunningham, Dallam, Davenport,

Grant, Hickman, Hopson, Holman, Hunter, Jameson, J. Jones, Logan, Marshall, Metcalfe, Mills, Monroe, M'Hatton, M'Millan, Owings, Parker, Reeves, Rice, Rudd, Todd, Trigg, Wickliffe and Woods—32.

Nays—Messrs. Barrett, Booker, Bowman, Carson, Coburn, Cooke, Cotton, Cummins, Davis, Duncan (of Daviess) Eggleston, Ewing, Gaither, Garrison, Green, Grundy, Harrison, Hornbeck, Irvine, Lackey, Robertson, Rowan, Slaughter, South, Spillman, Turner, Underwood, Wall, Ward and Yantis.—50.

The following bills were severally read a second time, to-wit :

1st, A bill for the relief of James Swiggett ; 2nd a bill for the benefit of William Hadden ; 3rd, a bill concerning the keepers of ferries on the Ohio river ; 4th, a bill authorizing Henry Green to erect a dam across Red river ; 5th, a bill for the benefit of Luke Munsell ; 6th, a bill for the relief of the citizens of Estill county, and for other purposes ; and 7th, a bill adding a part of the county of Barren, to the county of Green.

The first, second, third, fifth and seventh, were severally ordered to be engrossed, and read a third time ; the seventh on Monday next :

And the question being taken on engrossing the fourth and sixth bills, and reading them a third time, it was decided in the negative, and so the said bills were rejected.

And thereupon the rule of the house and third readings of the first, second, third and fifth bills being dispensed with, and the same being engrossed,

*Resolved*, That the first, second and third bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That mr. Todd carry the said bills to the senate, and request their concurrence.

The question was then put on the passage of the fifth bill, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. South, and Marshall, were as follows, to-wit :

Yeas—Mr. Speaker ; messrs. Armstrong, Barbour, Barrett, Birney, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davis, Duncan (of Daviess) Eggleston, Ewing, Gaines, Gaither, Garrison, Gilmore, Grant, Hawkins, Helm, Hickman, Hopson, Holman, Hunter, H. Jones, Irvine, Logan, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Hatton, M'Millan, Owings, Reeves, Rice, Robertson, Rowan, Rudd,

Shepard, Slaughter, Stapp, Todd, Trigg, Turner, Wall, Wier, Woods and Yantis.—58.

Nays—Messrs. Bowman, Dollerhide, Green, Grundy, Harrison, Hart, J. Jones, Lackey, Parker, South, Spillman, Underwood, Ward and Wickliffe.—14.

*Ordered*, That the title of said bill be amended to read, an act to encourage the publication of a map of Kentucky, by Luke Mansell.

And that mr. Marshall carry said bill to the senate, and request their concurrence.

A message from the senate, by mr. J. Garrard :

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act for the relief of the devisees of Ludowick Oneall.

And then he withdrew.

A message from the senate by mr. Wickliffe :

*Mr. Speaker,*

The senate have passed a bill from this house entitled, an act for the relief of Peter Sibert, with an amendment ;

In which they request the concurrence of this house.

And then he withdrew.

A message from the senate by mr. Owens :

*Mr. Speaker,*

The senate concur in the amendments proposed by this house to a bill from that entitled, an act to alter the time of holding the county and circuit courts of Casey county, with an amendment ;

In which they request the concurrence of this house.

And then he withdrew.

A message from the lieutenant governor by mr. Pope, his secretary :

*Mr. Speaker,*

I am directed by the lieutenant governor, to inform this house, that he did on this day approve and sign enrolled bills and a resolution which originated in this house of the following titles :

A resolution appointing a joint committee to examine, a machine for breaking Hemp and Flax, invented by Thomas Pullen.

An act concerning the Greenville and Bethell Seminaries.

An act for the benefit of Thomas Rankin, senr.

An act concerning the town of Burksville.

An act authorizing the county court of Jessamine, to extend the limits and open the streets of Nicholasville.

An act relative to the register's office.



An act for the relief of Isaac Harel.

An act for the benefit of the heirs of Richard M. Gano.

And then he withdrew.

*Ordered*, That mr. Wall inform the senate thereof.

A message from the senate by mr. J. Garrard :

*Mr. Speaker*,

The senate have passed bills and a resolution from this house of the following titles :

An act increasing the powers of the trustees of the several towns in this commonwealth ; an act authorizing the county court of Fayette to lease out a part of the public ground in the town of Lexington ; a resolution to obtain certain information preparatory to the establishment of an armory in this commonwealth.

And then he withdrew.

A message from the senate by mr. Yancey :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles :

An act to amend an act entitled, an act regulating certain surveys in this commonwealth ; and an act for the relief of the heirs of David Miller.

And then he withdrew.

The house proceeded to consider the amendments offered to a bill to amend the act more effectually to suppress the practice of duelling :

Which being twice read was disagreed to,

*Ordered* That the said bill be engrossed and read a third time on Monday next.

And then the house adjourned.

#### MONDAY, FEBRUARY 3, 1817.

Mr. Blackburn from the select committee appointed for that purpose made the following report, to-wit :

The select committee to whom was referred the petition of the citizens of Woodford county, stating that many citizens of the states of Ohio and Indiana, are in the habit of aiding the slaves who desert the service of their masters from Kentucky, to escape into Canada, was referred, have had the same under consideration, and ask leave to report :

That from the intimate connection between the states, it is extremely desirable that each should so act as to support the interest of the other, and as far as practicable, by municipal regulations, to cause the individual citizens of each state to

secure and protect the property of the individuals of the sister states; course which your committee feel confident is pursued by the state of Kentucky, and one which they have no doubt will be pursued by the states of Ohio and Indiana whenever it is suggested: Therefore,

*Resolved*, By the general assembly of the commonwealth of Kentucky, that the legislature of the states of Ohio and Indiana, be, and they are hereby respectfully requested to pass laws imposing adequate penalties on any citizens of those states who shall thereafter be proved to be guilty of aiding any slave or slaves to pass in the states of Ohio and Indiana, who have deserted from the state of Kentucky, and to provide for the confinement of such deserters in jail.

*Resolved*, That the acting governor of Kentucky transmit a copy of the foregoing resolution to the governors of the states of Ohio and Indiana, with a request, that he will lay the same before the legislature of those states at their next sessions.

Which being twice read was concurred in.

Mr. Robertson from the joint committee appointed for that purpose made the following report, to-wit:

The joint committee of both houses appointed in pursuance to a joint resolution, to examine the model of a machine invented by Thomas Pullen, for the purpose of breaking hemp and flax, do report, that they have performed the duty to them assigned, and have examined the model of the inventor. They have also seen the patent obtained for the invention, and the testimony of numbers who have seen the machine on a large scale realized, given by their subscription to a statement on that subject evidencing the advantages of the machine. Your committnee from their own view and examination of the model independent of other evidence, concur in stating, that the machine is simple in its construction, and avoids that friction which always injures machinery of a complicated nature; that it is moved with a small degree of power, so that it can be used with but little expence, and that it is so constructed as to break hemp and flax with speed and ease, and they do not hesitate to add, that in their opinion, the invention is valuable, and that it will answer the end of breaking in large quan-

titles with expedition, the necessary articles of flax and hemp.

JAMES GARRARD, jr. }  
JAMES WELCH, } *From the Senate.*  
DANIEL GARRAD. }

JAMES ROBISON, }  
JOHN PARKER, }  
SAMUEL SOUTH, } *From the house of Representatives,*  
S. W. GARRISON, }  
WM. M'MILLAN, }  
T. DOLLERHIDE. }

The speaker laid before the house a letter from messrs. Gerard and Kendall, public printers, containing their account against the commonwealth for the past year ;

Which was received, and laid on the table.

Mr. Monroe from the select committee to whom was referred, a bill to amend the act establishing the state bank reported the same with an amendment ;

Which being twice read, was concurred in.

*Ordered*, That the said bill as amended be engrossed and read a third time to-morrow.

Leave was given to bring in the following bills :

On the motion of mr. Blackburn :

A bill to authorize the trustees of the Woodford Seminary, to sell part of their lots ; and on the motion of mr. Breckenridge—a bill concerning the Fayette county court; messrs. Blackburn, T. Stevenson and Gilmore, were appointed a committee to prepare and bring in the former ; and messrs. Breckenridge, Parker and True, the latter.

Bills were immediately presented under the titles aforesaid by messrs Blackburn and Breckenridge ;

Which were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bills being dispensed with, and the same being engrossed.

*Resolved*, That the said bills do pass and that the titles thereof be as aforesaid.

*Ordered*, That mr. Blackburn carry the first ; and mr. Breckenridge the second bills, to the senate, and request their concurrence.

The house took up the resolution laid on the table on to day relative to slaves absconding from their masters and making their escape through the states of Ohio and Indiana.

Mr. Rowan then moved the following in lieu of the original, to-wit :

*Resolved*, By the legislature of the commonwealth of Kentucky, that his excellency the lieutenant governor thereof, be, and he is hereby respectfully requested to open a correspondence with the governors of the states of Ohio and Indiana respectively in relation to fugitive slaves ; who escape from their proprietors in this state, and conceal themselves and are concealed or assisted in their concealment, by some of the citizens of those states: That he represent to those governors respectively, in strong terms, the amicable disposition of the citizens of this state, towards the citizens of those states respectively : That it is the wish not less than the interest of our citizens that harmony should prevail between the states: That the difficulty experience by the citizens of this state in re-claiming their fugitive slaves, who may have escaped into those states, owing to the real or supposed obstructions produced by their citizens, is calculated to excite sensations unfavorable to the friendly relations which ought to subsist between neighbouring states ; and that he request those governors respectively, to recommend to their respective legislatures the adoption of such municipal regulations in relation to this interesting subject as may be best calculated to do justice to all concerned and to promote and increase the amity now existing between this and those states.

Which being twice read, was concurred in.

The said resolution as amended was then adopted.

*Ordered*, That mr. Blackburn carry the same to the senate, and request their concurrence.

A message from the senate by mr. Ewing :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles :

An act for the benefit of William Hadden ; and an act for the benefit of Mary Ward, with an amendment to the latter.

In which they request the concurrence of this house.

And then he withdrew.

The said amendment was then taken up, twice read and concurred in.

*Ordered*, That mr. Blackburn inform the senate thereof.

The house took up the amendments proposed by the senate to bills from this house of the following titles :

1st, an act authorizing commissioners to open a road from Estal courthouse, leading by the Goose creek salt works to



the wilderness road ; 2nd, an act to incorporate the Green river iron manufacturing company and the Licking iron company ; 3rd, an act for the relief of Peter Sibert.

Which being severally twice read ; those proposed to the first and second were concurred in, and that to the third disagreed to.

*Ordered*, That mr. Blackburn inform the senate thereof.

The house took up the amendments proposed by the senate upon concurring in those proposed by this house to a bill from the senate entitled, an act to alter the time of holding the county and circuit courts of Casey county.

Which being twice read, was concurred in.

*Ordered*, That mr. Blackburn inform the senate thereof.

The house again proceeded to consider their amendments proposed to a bill from the senate entitled, an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and the executors and devisees of Azariah Davis, deceased.

Which being again read :

*Resolved*, That this house do recede from their said amendment.

*Ordered*, That mr. Blackburn inform the senate thereof.

A message from the senate by mr. J. Garrard :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles :

An act for the relief of the administrator and securities of Samuel Ewing, dec'd. former sheriff of Mercer county ; an act authorizing the sale of part of the public ground in the town of Harrodsburg ; and an act to allow additional justices of the peace to certain counties in this commonwealth, with amendments to the two latter.

In which they request the concurrence of this house.

And then he withdrew.

A message from the senate by mr. Wickliff :

*Mr. Speaker*,

The senate insist on their amendment proposed to a bill from this house entitled, an act for the relief of Peter Sibert.

And then he withdrew.

A message from the senate by mr. Owens :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act further to regulate the fees of sheriffs and constables in this commonwealth, with an amendment ; and they have passed a bill entitled, an act further to regulate the general court.

In which amendments and bill they request the concurrence of this house.

And then he withdrew.

*Ordered*, That an engrossed bill entitled, an act to establish a ferry across Green river, on the lands of Urbin and Reuben Ewing, below Morgantown, in Butler county, be laid on the table.

Engrossed bills of the following titles:

An act to amend an act more effectually to suppress the practice of duelling; and, an act adding a part of Barren county to the county of Green;

Were severally read a third time.

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered*, That Mr. Underwood carry the said bills to the senate and request their concurrence.

Mr. Wall from the joint committee of enrollments reported, that the committee had examined sundry enrolled bills and resolutions of the following titles:

An act for the relief of the devisees of Ludowick Oneal.

An act for the relief of the heirs of David Miller.

An act to amend the act entitled, an act regulating certain surveys in this commonwealth.

An act increasing the powers of the trustees of the several towns in this commonwealth.

An act authorizing the county court of Fayette to lease out a part of the public ground in Lexington.

An act to provide for the sale of part of the public ground in the town of Hopkinsville, and for other purposes.

An act incorporating the Winchester steam mill company.

An act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased, and for the benefit of William Breckenridge.

An act to legalize the proceedings of the Estill county court, and for other purposes.

An act for the benefit of the estates of David Neiss, Isaac Ward and George Thompson, deceased.

An act authorizing repairs to be made to the public buildings in the occupancy of the governor.

An act to regulate the town of Falmouth, and for other purposes.

An act to detach the counties of Campbell and Boone from the third judicial district, further to regulate certain judicial districts in this commonwealth, and to alter the time of holding the Fayette and Scott circuit courts.

An act to incorporate the Petersburg steam mill company.

An act to amend and explain an act entitled, an act to amend the act to ascertain the boundaries of and for processioning lands.

An act relative to the stream of Nolin in Hardin county.

An act for encouraging the importation of goods by the port of New Orleans.

An act for the benefit of the widow and heirs of John C. Johnson, deceased.

An act for the relief of the trustees of the Jefferson Seminary, and for other purposes.

An act providing for a change of venue in the case of Armistead Churchill.

An act respecting the seat of justice of Caldwell county.

An act to establish and regulate the town of Rossborough in Daviess county and for changing the name thereof.

A resolution declaring the sense of the legislature with respect to an election to fill the vacancy occasioned by the death of his late excellency George Madison.

A resolution to obtain certain information preparatory to the establishment of an armory in this commonwealth.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That mr. Wall inform the senate thereof.

A message from the senate by mr. D. Garrard :

*Mr. Speaker,*

The senate have passed a bill entitled, an act for paying certain guards in this commonwealth.

And then he withdrew.

A message from the senate by mr. Lee, their secretary :

*Mr. Speaker,*

The senate has received official information, that the lieutenant governor did, on the first instant, sign enrolled bills and a resolution which originated therein of the following titles, viz :

An act for the relief of the widow and children of William Harrel, John Stephens and William Harris.

An act to regulate the town of NewCastle, in Henry county.

An act to vest certain powers in the county court of Breckenridge county, in relation to certain seminary lands.

An act further to regulate the Robertson academy in Adair county.

A resolution for publishing a certain number of copies of the militia law.

They disagree to a bill from this house entitled, an act to

regulate the powers and duties of sheriffs, magistrates and constables.

They have passed bills from this house of the following titles :

An act to amend the laws regulating the towns of Millersburg, Paris and Bardstown, and for other purposes.

An act authorizing the trustees of the Woodford seminary to sell part of their lots.

An act to provide for a more speedy recovery of the custody of children and wards ; and

An act to authorize the transcribing certain entry books in the surveyor's office of Fayette county, with an amendment to the latter.

In which they request the concurrence of this house.

And then he withdrew.

The following bills were severally read a second time, viz : 1st, a bill for the relief of Valentine Kinder ; 2nd, a bill for the appropriation of money ; and, 3rd, a bill providing for a change of venue in the case of William Montgomery.

The first and third were severally ordered to be engrossed and read a third time ; the first on to-morrow and the second was committed to a committee of the whole house on the state of the commonwealth.

And thereupon the rule of the house and third reading of the third bill being dispensed with, and the same being engrossed :

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Hornbeck carry the said bill to the senate and request their concurrence.

The house took up the amendments proposed to a bill to amend an act entitled, an act further regulating the penitentiary ;

And which being twice read and amended, was concurred in.

The question was then put on engrossing the said bill as amended and reading it a third time, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. South and Blackburn, were as follows, viz :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Clarke, Coburn, Cook, Cox, Cummins, Cunningham, Dallam, Davidson, Davis, Eggleston, Fleming, Gaines, Gaither, Hawkins, Hickman, Holman, Hunter, J. Jones, Logan, Love, Marshall, Mills, Monroe, M'Coun, Rice, Robertson, Shepard, Slaugh-



fer, Spillman, Stapp, T. Stevenson, Todd, Underwood, P. White, Woods and Yantis.—44.

Nays—Messrs. Barrett, Bowman, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Ford, Garrison, Gilmore, Goode, Green, Grundy, Harrison, Hart, Hopson, Hornbeck, Jameson, H. Jones, Irvine, Lackey, M'Hatton, M'Millan, Owings, Parker, Rudd, South, Turner, D. White, Wier, and Wickliffe.—29.

The said bill being engrossed :

Mr. Marshall then moved to dispense with the rule of the house, which requires a bill to be read on three several days, and the third reading of said bill.

And the question being taken thereon, it passed in the affirmative, four fifths of the members present concurring therein.

The yeas and nays being required thereon by messrs. D. White and South, were as follows, viz :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Birney, Blackburn, Booker, Breckenridge, Carson, Clarke, Cooke, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Duncan, (of Daviess) Eggleston, Ewing, Fleming, Ford, Gaines, Gaither, Garrison, Gilmore, Goode, Harrison, Hart, Hawkins, Hickman, Hopson, Holman, Hornbeck, Hunter, Jameson, J. Jones, H. Jones, Irvine, Lackey, Logan, Love, Marshall, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Reeves, Rowan, Shepard, Slaughter, Spillman, Stapp, T. Stevenson, Todd, Underwood, P. White, Wier, Wickliffe and Yantis.—64.

Nays—Messrs. Bowman, Duncan, (of Lincoln) Green, Grundy, Parker, Rice, South, S. Stevenson, Turner, D. White and Woods.—11.

The said bill being amended by way of engrossed ryder.

The question was put on the passage thereof, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. Duncan, (of Lincoln) and South, were as follows, viz :

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Clarke, Cooke, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Eggleston, Fleming, Gaines, Gaither, Garrison, Hawkins, Hickman, Holman, Hunter, J. Jones, Logan, Love, Marshall, Mills, Monroe, M'Coun, Shepard, Spillman, Stapp, Stevenson, Todd, Underwood, Wall, P. White and Woods.—12.

Nays—Messrs. Barrett, Bowman, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Ford, Gilmore, Goode, Green,

Grundy, Harrison, Hart, Hopson, Hornbeck, Jameson, H. Jones, Irvine, Lackey, M'Hatton, M'Mahan, M'Millan, Owens, Parker, Reeves, Rowan, Rudd, South, S. Stevenson, Trigg, Turner, D. White, Wier and Wickliffe.—33.

*Ordered*, That mr. Marshall carry said bill to the senate and request their concurrence.

The house then took up the amendments proposed by the senate to bills from this house of the following titles :

An act to allow additional justices of the peace to certain counties in this commonwealth; an act authorizing the sale of part of the public ground in the town of Harrodsburg;

Which being severally twice read, were concurred in.

*Ordered*, That mr. Birney inform the senate thereof.

The house again proceeded to consider the amendments proposed by the senate to a bill from this house entitled, an act for the relief of Peter Sibert.

Which being again twice read :

*Resolved*, That this house recede from their disagreement to the said amendment.

*Ordered*, That mr. Rowan inform the senate thereof.

The house took up a bill entitled, an act further to regulate the fees of sheriffs and constables in this commonwealth, and the amendments proposed thereto by the senate.

*Ordered*, That the said bill and amendments be laid on the table until the first day of March next.

A message from the senate by mr. Owens :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act concerning the Fayette county court.

And then he withdrew.

Mr. Underwood read and laid on the table the following resolution :

*Resolved*, By the general assembly of the commonwealth of Kentucky, that his excellency the lieutenant governor be, and he is hereby respectfully solicited to transmit to his excellency James Madison, president of the United States, the following address, expressive of the sense of this body with regard to that distinguished citizen.

SIR—The legislature of Kentucky take the liberty of presenting you with their feelings and sentiments at the close of your administration. We know that the approbation of republican citizens is the noblest reward that can be conferred on their chief magistrate; and your approaching retirement will soon exhibit you on a level with other private citizens, distinguished only by your virtues and past services—a situ-

ation where no congratulatory address can be supposed to elicit in return the favors of executive patronage. Your services in advocating the constitution of your country, in filling with fidelity many important offices under that government, and thereby promoting its welfare; in approaching the presidential chair—in conducting that important office with correct policy—in managing the helm of state through a just and necessary, but a tempestuous and boisterous war, difficult on account of the power of the enemy, but rendered more dangerous by faction at home—recommended by your patriotism—prosecuted under your auspices, and terminated gloriously by your undeviating perseverance, presenting a crisis unknown to any other chief magistrate since the adoption of our constitution, all demand of us an unequivocal declaration of your title to the lasting gratitude of the people of Kentucky; and while we contemplate with delight the elevated attitude of this nation among the civilized governments of the age, we will cherish with pleasure the memory of the man whose talents and services have so eminently contributed to his country's character and unsullied honor.

The house took up the amendments proposed by the senate to a bill from this house entitled, an act to authorize the transcribing certain entry books in the surveyor's office of Fayette county;

Which being twice read, were disagreed to.

*Ordered*, That mr. Breckenridge inform the senate thereof.

*Ordered*, That a bill from the senate entitled, an act for the benefit of John A. Markley be laid on the table until the first day of March next.

A message from the senate by mr. Lancaster:

*Mr. Speaker*,

The senate insist on their amendment proposed to a bill from this house entitled, an act to authorize the transcribing certain entry books in the surveyor's office of Fayette county. And then he withdrew.

Bills from the senate of the following titles:

1st, an act relative to changing of venue in civil cases; 2nd, an act to amend the several acts regulating appeals;

Were severally read the first time.

And the question being taken on reading said bills a second time, it passed in the negative.

And so the said bills were rejected.

*Ordered*, That mr. Mills inform the senate thereof.

Bills from the senate of the following titles:

1st, an act making provision for the trial of certain suits in

the court of appeals ; 2nd, an act concerning the turnpike and wilderness road ; 3rd, an act concerning commonwealth's attorneys ; 4th, an act to amend and explain the law to suppress riots, routs and unlawful assemblies of the people ; and 5th, an act to authorize John Brown to build a permanent toll bridge across the Kentucky river.

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second readings of the second, fourth and fifth bills being dispensed with ;

The second bill being amended, was ordered to be read a third time, and the fourth bill laid on the table until the first day of March next.

And the rule of the house and third reading of the second bill being dispensed with :

*Resolved*, That the said bill as amended do pass.

*Ordered*, That mr. Irvine carry the said bill to the senate and request their concurrence in the said amendments.

The fifth bill being amended :

Mr. South proposed to add thereto the following section, viz :

*Be it further enacted*, That if the said bridge, pillars or abutment should be injurious to the navigation, or should hereafter become injurious, it shall be the duty of the said Brown and company to remove the same ; and if they should fail, they shall be liable to a fine, which may be inflicted from time to time, at the discretion of the Franklin circuit court ; and moreover be liable to pay all damages which may be sustained by any individual navigating the same, at the suit of the person or persons injured.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. South and Rudd, were as follows, viz :

Yeas—Messrs. Birney, Bowman, Cunningham, Davidson, Dellerhide, Duncan, (of Lincoln) Garrison, Goode, Green, Grundy, Hawkins, Hopson, Hornbeck, Jameson, J. Jones, Irvine, Monroe, M'Cool, M'Millan, Rudd, South, Spillman, Trigg, Turner, Wickliffe, Woods and Yantis.—27.

Nays—Mr. Speaker, messrs. Barbour, Barrett, Blackburn, Booker, Breckenridge, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Dallam, Davenport, Duncan, (of Daviess) Eggleston, Ewing, Fleming, Ford, Given, Grant, Harrison, Hart, Hickman, Holman, Hunter, Logan, Marshall, Mercer, Metcalfe, Mills, M'Hatton, M'Mahan, Owings, Parker, Rice, Re-



bertson, Rowan, Shepard, S. Stevenson, Stapp, T. Stevenson, Todd, Wall, P. White, D. White and Wier.—47.

The said bill as amended, was then ordered to be read a third time to-morrow.

A bill from the senate entitled, an act respecting the conveyance and also the division of the real estate of William Kennedy, Benjamin Beall and Jannett H. Beall, late of the county of Campbell, in this commonwealth, died seized;

Was read a second time, amended and ordered to be read a third time.

And the rule of the house and third reading of said bill being dispensed with:

*Resolved*, That the said bill as amended do pass;

And that mr. Grant carry the same to the senate and request their concurrence.

A message from the senate by mr. Welch:

*Mr. Speaker*,

The senate concur in the amendments proposed by this house to bills from that of the following titles: an act respecting the conveyance and also the division of the real estate of William Kennedy, Benjamin Beall and Jannett H. Beall, late of the county of Campbell, in this commonwealth, died seized of; and, an act concerning the turnpike and wilderness road.

And then he withdrew.

The orders of the day being dispensed with;

Mr. Fleming read and laid on the table the following resolution:

*Resolved*, By the general assembly of the commonwealth of Kentucky, that the resolution fixing the time for the adjournment of this general assembly for Tuesday, the fourth instant, be rescinded, and that the general assembly adjourn on Wednesday, the 5th instant, without day.

And then the house adjourned.

#### TUESDAY, FEBRUARY 4, 1817.

Mr. M'Coun from the select committee appointed for that purpose, made the following report, viz:

The select committee, to whom was referred the petition of sundry citizens of Woodford and Mercer counties, praying that a law might pass authorizing John Finn to build a dam across the Kentucky river at Finn's island, for the purpose of erecting a water grist mill, have had the same under consideration, and have come to the following resolution:

*Resolved*, That the said petition be rejected.

Which being twice read, was concurred in.

On the motion of mr. Rowan :

*Ordered*, That leave be given to bring in a bill for the benefit of the Red river iron works; and that messrs. Rowan, Breckenridge and Davenport, be appointed a committee to prepare and bring in the same.

Mr. Rowan immediately presented a bill under the title aforesaid, which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house, and second and third readings of said bill being dispensed with, and the same being engrossed ;

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Davenport carry the said bill to the senate, and request their concurrence.

A message from the senate, by mr. J. Garrard :

*Mr. Speaker*,

The senate concur in resolutions from this house, relative to a correspondence between this state and the states of Ohio and Indiana, on the subject of slaves passing through the territories of said states when making their escape from their owners. They disagree to a bill from this house entitled, an act concerning the keepers of ferries on the Ohio river. They have passed bills from this house of the following titles : an act to amend an act more effectually to suppress the practice of duelling; an act authorizing the county court of Nicholas to convey the public ground at Ellisville; an act to provide for a change of venue in the case of William Montgomery; and, an act for opening a road from Mount Sterling to Prestonsburg, with an amendment to the latter ;

In which they request the concurrence of this house.

And then he withdrew.

A message from the senate, by mr. Mason :

*Mr. Speaker*,

The senate have passed a bill entitled, an act concerning ferries in this commonwealth ;

In which they request the concurrence of this house.

And then he withdrew.

A message from the senate, by mr. Simrall :

*Mr. Speaker*,

The senate have passed bills from this house of the following titles : an act for the benefit of the Red river iron works ; an act to alter the division line between the counties of Pulaski and Wayne ; and, an act for the benefit of Luke Munsell.

And then he withdrew.

A message from the senate, by mr. Bowmar :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act concerning the penitentiary.

And then he withdrew.

Mr. Rowan moved the following resolution, viz :

*Resolved*, By the house of representatives, that they will dispense with the rule of the house, which requires that a bill shall be read on three several days, as it respects all bills now in the orders of the day till the end of the session, subject to a division of the question for the purpose of amendment.

Which being twice read, and the question put thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. South and Rudd, were as follows, viz :

*Yeas*—Mr. Speaker, messrs. Blackburn, Booker, Breckenridge, Cox, Cummins, Davenport, Davidson, Davis, Ewing, Ford, Gaither, Gilmore, Grant, Hart, Holman, Logan, Love, Mills, M'Hatton, Reeves, Rowan, Slaughter, Stapp, T. Stevenson, True, Wall, Ward, Wier and Wickliffe—30.

*Nays*—Messrs. Armstrong, Barbour, Birney, Caldwell, Clark, Cohurn, Cook, Cotton, Cunningham, Dallam, Dollerhide, Duncan (of Davies) Duncan (of Lincoln) Garrison, Given, Goode, Green, Grundy, Harrison, Hickman, Hopson, Hunter, Jamison, Irvine, Lackey, Metcalfe, Monroe, M'Coun, Parker, Robertson, Rudd, South, Spilman, Trigg, Turner, Underwood, P. White, D. White, Woods and Yantis—40.

The house again proceeded to re-consider the amendment proposed by the senate to a bill from this house entitled, an act to authorize the transcribing certain entry books in the surveyor's office of Fayette county.

Which being again twice read :

*Resolved*, That this house insist on their disagreement to said amendment.

*Ordered*, That mr. Breckenridge inform the senate thereof.

A message from the senate by mr. Lancaster :

*Mr. Speaker*—The senate adhere to their amendment proposed to a bill from this house entitled, an act to authorize the transcribing certain entry books in the surveyor's office of Fayette county. An then he withdrew.

The house took up the amendments proposed by the senate to a bill from this house entitled, an act for opening a road from Mountsterling to Prestonsburg ;

Which being read twice, the first was disagreed to and the second concurred in.

*Ordered*, That mr. Davenport inform the senate thereof.

The house took up a resolution and address to the president of the United States, which was laid on the table on yesterday by mr. Underwood.

Mr. Rowan then moved to attach to said address, as a postscript, the following words :

We except from the purport of the above letter, so much of your political and official conduct as consisted in your signature and approbation of the law passed by the congress of the United States at their last session, whereby the compensation of the members of

that body was varied and enhanced; and also so much of your conduct as relates to the retreat from Bladensburg and the abandonment of the capitol and palace to the pillage of an enemy, contemptible in force; and also much as placed in office disappointed factionists and enemies to your administration, whereby much evil has ensued to the country.

Mr. Rowan called for a division of the question on said amendment.

And the question was first put on the first clause composed of the following words:

We except from the purport of the above letter so much of your political and official conduct as consisted in your signature and approbation of the law passed by the congress of the United States at their last session, whereby the compensation of the members of that body was varied and enhanced.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by Messrs. Rowan and Birney, were as follows, viz:

Yeas—Messrs. Birney, Booker, Gaither, Gilmore, Given, Marshall, M'Hatton, Rowan and Todd.—9.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Blackburn, Breckenridge, Carson, Clarke, Coburn, Cooke, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Davis, Duncan, (of Daviess) Duncan, (of Lincoln) Ewing, Fleming, Ford, Gaines, Garrison, Goode, Grant, Green, Grundy, Hickman, Hopson, Holman, Hunter, Jamison, Jones, Logan, Love, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Mahan, M'Millan, Owings, Parker, Reeves, Rice, Robertson, Rudd, South, S. Stevenson, Stapp, T. Stevenson, Trigg, True, Turner, Underwood, Wall, Ward, P. White, D. White, Wier, Wickliffe, Woods and Yantis.—66.

The question was put on the two latter branches of the amendment, upon which it passed in the negative.

The yeas and nays being required thereon by messrs.

were as follows, viz:

Yeas—Messrs. Birney, Gaither, Gilmore, Given and Rowan.—5.

Nays—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Blackburn, Breckenridge, Carson, Clarke, Coburn, Cook, Cotton, Cox, Cummins, Cunningham, Dallam, Davidson, Davenport, Davis, Dollerhide, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Fleming, Ford, Gaines, Garrison, Goode, Grant, Green, Grundy, Hart, Hickman, Hopson, Holman, Hunter, Jamison, Irvine, Lackey, Logan, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Reeves, Rice, Robertson, Rowan, Rudd, South, Spillman, S. Stevenson, Stapp, T. Stevenson, Todd, Trigg, True, Turner, Underwood, Wall, Ward, P. White, D. White, Wier, Wickliffe, Woods and Yantis.—70.

The question was then put on concurring in the resolution and address.



And the question being taken thereon, it passed in the affirmative.

The yeas and nays being required thereon by messrs. Mills and were as follows, to wit:

Yeas—Mr. Speaker, messrs. Armstrong, Barbour, Barrett, Blackburn, Booker, Breckenridge, Carson, Clarke, Coburn, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davis, Doellerhide, Duncan (of Daviess) Duncan (of Lincoln) Ewing, Fleming, Ford, Gaines, Garrison, Goode, Green, Grundy, Hart, Hickman, Hopson, Holman, Hunter, Jamison, H. Jones, Irvine, Lackey, Logan, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Millan, Owings, Parker, Reeves, Rice, Robertson, Rudd, Shepard, South, S. Stevenson, Stapp, T. Stevenson, Todd, Trigg, True, Underwood, Wall, Ward, P. White, D. White, Wier, Wickliffe, Woods and Yantis.—68.

Nays—Messrs. Birney, Cook, Davidson, Gaither, Gilmore, Given, Grant, Helm, Hornbeck, Marshall, M'Mahan, Rowan, Slaughter, Spillman and Turner.—15.

Ordered, That mr. Underwood carry said resolution and address to the senate, and request their concurrence.

A message from the senate by mr. Yancey:

*Mr. Speaker,*

The senate unanimously concur in a resolution from this house requesting the executive of this state to transmit an address to his excellency James Madison, president of the United States; and they disagree to a bill from this house entitled, an act adding a part of Barren to the county of Green.

And then he withdrew.

A bill from the senate entitled, an act to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike company, was read the first time, and ordered to be read a second time.

And thereupon the rule of the house being dispensed with, the said bill was read a second time, amended and ordered to be read a third time.

And thereupon the rule of the house and third reading of said bill being dispensed with.

The question was then put upon the passage of the bill as amended, upon which it passed in the affirmative.

The yeas and nays being required thereon by messrs. South and Blackburn, were as follows, to wit:

Yeas—Messrs. Barbour, Birney, Blackburn, Booker, Breckenridge, Carson, Coburn, Cotton, Cox, Cummins, Dallam, Davidson, Duncan (of Daviess) Fleming, Ford, Gilmore, Given, Grant, Hart, Hawkins, Hickman, Hopson, Hunter, Jamison, H. Jones, Irvine, Lackey, Logan, Love, Marshall, Mercer, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Owings, Parker, Rice, Ro-

bertson, Shepard, Slaughter, T. Stevenson, Todd, Trigg, True, Ward, P. White, Wier, Wickliffe and Woods.—53.

Nays—Messrs. Armstrong, Barrett, Bowman, Clarke, Cook, Cunningham, Dollerhide, Duncan (of Lincoln) Gaither, Garrison, Green, Grundy, Harrison, Holman, Rowan, Rudd, South, Spillman, Stapp, Turner, Wall and Yantis.—22.

*Ordered*, That mr. Blackburn inform the senate thereof, and request their concurrence in the said amendments.

A message from the senate by mr. Mason :

*Mr. Speaker,*

The senate recede from their first amendment proposed to a bill from this house entitled, an act for opening a road from Mountsterling to Prestonsburgh.

And then he withdrew.

Mr. Underwood from the joint committee reported, that the committee had examined sundry enrolled bills and resolutions of the following titles : an act for the benefit of the widow and heirs of Wilson Pickett, deceased, and for the executors and devisees of Azariah Davis, deceased ; an act respecting the conveyance and also the division of the real estate of William Kennedy, Benjamin Beall and Jannett H. Beall, late of the county of Campbell ; an act to amend the laws regulating the towns of Millersburgh, Paris and Bards-town, and for other purposes ; an act providing for a change of venue in the case of William Montgomery ; an act to alter the division line between the counties of Pulaski and Wayne ; an act for the benefit of the Red river iron works ; an act authorizing the county court of Nicholas to convey the public ground at Ellisville ; resolutions relative to a correspondence between this state and the states of Ohio and Indiana, on the subject of slaves passing through the territories of said state, when making their escape from their owners ; an act to amend an act more effectually to suppress the practice of duelling ; an act for the relief of Peter Sibert ; an act authorizing the commissioners to open a road from Estill court house, leading by the Goose creek salt works to the wilderness road ; an act authorizing the sale of part of the public square in the town of Harrodsburgh ; an act to provide for a more speedy recovery of the custody of children or wards ; an act to authorize the trustees of Woodford seminary to sell part of their lot ; an act to allow additional justices of the peace to certain counties in this commonwealth ; an act for the benefit of Mary Ward and William Marrs ; an act for the benefit of William Hadden ; an act for the relief of the administrators and securities of Samuel

Ewing deceased, former sheriff of Mercer county ; an act concerning the Fayette county court ; an act regulating clerks' fees, and for other purposes ; an act to incorporate the Green river iron manufacturing company, and the Licking iron company ; and had found the same truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Underwood inform the senate thereof.

A message from the senate by mr. Parks :

*Mr. Speaker*,

The senate have passed an act for preventing mill dams hereafter from being erected on Main Licking, below the mouth of Fleming creek ;

In which bill they request the concurrence of this house.

And then he withdrew.

The house then, according to the standing order of the day, resolved itself into a committee of the whole on the state of the commonwealth, mr. Metcalfe in the chair, which being resumed by mr. Speaker, mr. Metcalfe reported, that the committee had, according to order, had under consideration a bill for the appropriation of money, and had made sundry amendments thereto, which he handed in at the clerk's table.

The said amendments were then taken up, twice read and concurred in.

*Ordered*, That the said bill be engrossed as amended, and read a third time.

And thereupon the rule of the house and the third reading of the said bill being dispensed with, and the same being engrossed :

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. \_\_\_\_\_ carry the said bill to the senate, and request their concurrence.

A message from the senate by mr. Owens :

*Mr. Speaker*,

The senate have passed an act for the relief Robert D. Pearce.

Mr. M<sup>o</sup>Millan read and laid on the table resolutions concerning the printing and binding of the acts and journals of the present session.

And thereupon the rule of the house being dispensed with, the said resolutions were taken up, twice read and concurred in as follows, to wit :

*Resolved*, By the general assembly of the commonwealth of Kentucky, that the public printers be, and they are hereby directed to print 1650 copies of the acts passed at the present session of the general assembly, and lodge them at the bookbindery of Messrs. Butler & Wood ; whose duty it shall be immediately to bind said copies in substantial half binding, with leather backs, neatly lettered and rolled ; who shall immediately after having completed the same deposit them in the secretary's office, to be distributed

among the persons entitled thereto by law, and one copy to each principal sheriff and coroner.

*Resolved*, That in like manner after the journals of both houses at the present session shall be printed, the public printers be, and they are hereby directed to lodge 250 copies at the said bookbindery: and the said bookbinders are hereby directed to bind said copies in the same manner the acts are directed to be bound, and to lodge them in the office of the secretary of state, to be distributed to each member of the general assembly.

*Ordered*, That mr. M'Milian carry the said resolutions to the senate, and request their concurrence.

Mr. Wall from the joint committee of enrollments reported, that the committee had examined enrolled bills and a resolution of the following titles, to wit: an act concerning the turnpike and wilderness road; an act concerning public jails; an act further regulating the penitentiary; and act for opening a road from Mountsterling to Prestonsburg; and, an act to encourage the publication of a map of Kentucky by Luke Munsell; and a resolution requesting the executive of this state to transmit an address to his excellency James Madison, president of the United States. And had found the same truly enrolled;

Whereupon, the Speaker affixed his signature thereto.

*Ordered*, That mr. Wall inform the senate thereof.

A message from the lieutenant governor, by mr. Pope, his secretary:

*Mr. Speaker*,

The lieutenant governor returns to this house a bill which originated therein entitled, an act to regulate the town of Falmouth, and for other purposes, with his objections thereto in writing, as follows, to wit:

*Gentlemen of the House of Representatives*,

I return, with my objections, the enrolled bill with the following title: an act to regulate the town of Falmouth, and for other purposes. With a sincere disposition to co-operate with the legislature in all measures calculated to advance the general welfare, and especially the cause of religion and morality, I regret that I am constrained by a sense of duty to withhold my approbation and signature from the bill before recited, because it authorises money to be raised by lottery for the purpose of defraying the expenses of building a public meeting house.

I take this early opportunity of protesting against this mode of raising money. A lottery has ever been deemed a species of gaming, and if not so in the ordinary sense of the term, it awakens and generates a spirit of gambling, which public sentiment and the public good require the legislature to control, and if practicable, suppress. All private lotteries have in civilized countries been held and declared to be public nuisances; and the legislature of this commonwealth at their last session seem to have viewed them as gaming devices. The necessity imposed of legislative



sanction and regulation, may lessen the evils incident to schemes of this sort, but cannot change their character or entirely prevent their pernicious effects. The example of government lessens the odium attached to the practice, and emboldens individuals to adopt artifices to elude legislative prohibitions. The people will naturally enquire: Can that be wrong or immoral which has the countenance and support of the legislative authority? To invite the citizens to participate in games of hazard, tends to render them discontented with the reasonable profits of regular business, and to relax the morality and honest industry of the country, upon which the duration of our free institutions so essentially depends. It would seem to me to be the true policy of the state, instead of introducing, to exclude as much as possible, chance from the transactions of its citizens. The indulgence of this practice of raising money in our country, bears a strong analogy to the course pursued by the governments of Europe. There all private lotteries are denounced as nuisances, pernicious in their effects on the moral and industrious habits of the community; and yet lottery schemes are every year resorted to by those governments to draw money from the people. It is believed, that the religious disposition and liberality of our fellow citizens are amply sufficient to promote and sustain the interests of religion without resorting to lotteries or other gaming devices.

Influenced by these general considerations, without undertaking to detail all the evil consequences of lotteries, I must refuse my assent to so much of the bill referred to as authorizes one.

GABL. SLAUGHTER.

*February 4th, 1817.*

And he did on this day approve and sign enrolled bills which originated in this house of the following titles:

An act for the benefit of the widow and heirs of John C. Johnson, deceased; an act for the relief of the trustees of the Jefferson seminary, and for other purposes; an act relative to the stream of Nolin, in Hardin county; an act to amend and explain an act entitled, an act to amend the act to ascertain the boundaries of and for processioning lands; an act for the benefit of the estates of David Niess, Isaac Ward and George Thompson, deceased; an act to legalize the proceedings of the county court of Estill, and for other purposes; an act for the benefit of the heirs and representatives of David Johnson, Joseph Dupuy and Robert Parker, deceased, and for the benefit of William Breckenridge; an act to provide for the sale of part of the public ground in the town of Hopkinsville, and for other purposes; an act increasing the powers of the trustees of the several towns in this commonwealth; an act authorizing the county court of Fayette to lease out a part of the public ground in Lexington; an act for the relief of the heirs of David Miller; a resolution to obtain certain information preparatory to the establishment of an armory in this commonwealth; an act for the relief of the devisees of Ludowick Oneal;

an act for encouraging the importation of goods by the port of New Orleans; an act incorporating the Winchester steam mill company; an act authorizing repairs to be made to the public buildings in the occupancy of the governor; a resolution declaring the sense of the legislature with respect to an election to fill the vacancy occasioned by the death of his late excellency George Madison; an act to incorporate the Petersburg steam mill company; an act to amend an act entitled, an act regulating certain surveys in this commonwealth; an act to detach the counties of Campbell and Boone from the third judicial district, further to regulate certain judicial districts in this commonwealth, and to alter the time of holding the Fayette and Scott circuit courts; an act providing for a change of venue in the case of Armistead Churchill.

*Bill returned*—An act to regulate the town of Falmouth, and for other purposes.

And then he withdrew.

A message from the senate by mr. Simrall.

*Mr. Speaker,*

The senate concur in the amendments of this house to a bill from the senate entitled, an act to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike road company.

And then he withdrew.

Mr. Underwood from the joint committee of enrollments presented for the signature of the Speaker the engrossed bill entitled, an act to incorporate the Lexington and Louisville turnpike road company, and to incorporate the Maysville and Lexington turnpike road company.

And the rule of the house, as to the enrollment of the said bill, being dispensed with, the Speaker thereupon affixed his signature thereto.

*Ordered,* That mr. Underwood inform the senate thereof.

Bills from the senate of the following titles:

An act to alter the time of holding sundry courts within this commonwealth; and, an act to establish a hospital in the town of Louisville;

Were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of the said bills being dispensed with.

*Ordered,* That the said bills do pass, and that the titles thereof be as aforesaid.

*Ordered,* That mr. Wier inform the senate thereof.

Bills from the senate of the following titles:

An act to increase the active capital of the bank of Kentucky, by authorizing a sale of a portion of the shares reserved for subscription on the part of the state; and, an act to authorize John Brown to build a permanent toll bridge across the Kentucky river;

Were severally read a third time, and the latter bill laid on the table until the first Monday of March next.

The question was then taken on the passage of the first bill, and it passed in the affirmative.

The yeas and nays being required thereon by messrs. Rowan and Underwood, were as follows, to wit:

Yeas—Mr. Speaker, messrs. Barrett, Birney, Blackburn, Booker, Bowman, Coburn, Cook, Cox, Cunningham, Dallam, Davis, Duncan (et Davie s) Ewing, Fleming, Ford, Gaither, Green, Harrison, Hickman, Hopson, Irvine, Logan, Marshall, Mills, Monroe, M'Coun, M'Hatton, M'Mahan, M'Millan, Parker, Reeves, Rice, Robertson, Shepard, South, Stapp, Trigg, Turner, Underwood, Ward, Wier, Wickliffe and Woods.—44.

Nays—Messrs. Barbour, Breckenridge, Carson, Clarke, Cotton, Cummins, Davidson, Dollerhide, Duncan (of Lincoln) Gaines, Garrison, Gillmore, Given, Goode, Grundy, Hawkins, Helm, Holeman, Hunter, Jamison, Lackey, Love, Mercer, Metcalfe, Rowan, Rudd, Slaughter, Spillman, Stephenson, Todd, True, Wall, P. White, D. White and Yantis.—35.

A message from the lieutenant governor, by mr. Pope, his secretary:

*Mr. Speaker,*

The lieutenant governor did, on the                      day of  
sign and approve sundry enrolled bills which originated in this house of the following titles, to wit:

An act to amend the laws regulating the towns of Millersburg, Paris and Bardstown, and for other purposes; an act providing for a change of venue in the case of William Montgomery; an act to alter the division line between the counties of Pulaski and Wayne; an act for the benefit of the Red river iron works; an act authorizing the county court of Nicholas to convey the public ground at Ellisville; resolution relative to a correspondence between this state and the states of Ohio and Indiana, on the subject of slaves passing through the territories of said states when making their escape from their owners; an act to amend an act more effectually to suppress the practice of duelling; an act for the relief of Peter Sibert; an act authorizing commissioners to open a road from Estill court house, leading by the Goose creek salt works to the wilderness road; an act authorizing the sale of part of the public square in the town of Harrodsburg; an act to provide for a more speedy recovery of the custody of children or wards; an act to incorporate the Green river iron manufacturing company and the Licking iron company; an act regulating clerks' fees, and for other purposes; an act to allow additional justices of the peace to certain counties in this commonwealth; an act to authorize the trustees of Woodford seminary to sell part of their lot; an act for the benefit of Mary Ward and William Marrs; an act for the benefit of William Hadden; an act for opening a road from Mountsterling to Prestonsburg; an act concerning the Fayette county court; an act

for the relief of the administrators and securities of Saml. Ewing, deceased, former sheriff of Mercer county; an act to encourage the publication of a map of Kentucky by Luke Munsell; an act concerning the penitentiary; a resolution requesting the executive of this state to transmit an address to his excellency James Madison, president of the United States.

And then he withdrew.

A bill from the senate entitled, an act making provision for the trial of certain suits in the court of appeals;

Was read a second time and ordered to be laid on the table until the 6th instant.

Mr. Underwood from the joint committee of enrollment reported:—That the committee had examined enrolled bills of the following titles:

An act to alter the time of holding sundry courts within this commonwealth; and, an act to increase the active capital of the bank of Kentucky by authorizing a sale of a portion of the shares reserved for subscription on the part of the state, and had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Underwood inform the senate thereof.

A message from the senate by Mr. Churchill:

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act for the appropriation of money, with amendments, in which they request the concurrence of this house.

And then he withdrew.

A bill from the senate entitled, an act concerning commonwealth's attorney, was read a second time and ordered to be read a third time.

It was then moved and seconded to dispense with the rule of the house, which requires four fifths of the members present to dispense with the same.

And the question being taken thereon, it passed in the negative.

The yeas and nays being required thereon by messrs. Harrison and Rudd, were as follows, to wit:

Yeas—Mr. Speaker—messrs. Barrett, Birney, Blackburn, Booker, Bowman, Breckenridge, Carson, Cotton, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Doilerhide, Duncan (of Daviess) Duncan (of Lincoln) Fleming, Ford, Gaines, Gaither, Garrison, Gilmore, Goode, Green, Harrison, Hart, Hawkins, Hornbeck, Hunter, Jamison, Irvine, Lackey, Love, Marshall, Metcalfe, Mills, Monroe, M'Coun, M'Hatton, M'Millan, Owings, Rice, Rowan, Shepard, Stapp, T. Stevenson, True, Ward, P. White, Wier and Wickliffe.—54.

Nays—Messrs. Barbour, Clarke, Coburn, Ewing, Grant, Grundy, Helm, Hickman, Hopson, Holeman, H. Jones, J. Jones, Parker, Rudd, Spilman, Todd, Trigg, Underwood, Wall, D. White, Woods and Yantis.—21.



The orders of the day being dispensed with, the house took up the resolution laid on the table yesterday to rescind the resolution for the final adjournment of the legislature.

Which being twice read, and the question being taken upon concurring in said resolution, it passed in the affirmative.

The yeas and nays being required thereon by Messrs. Rudd and South, were as follows, to wit :

Yeas—Mr. Speaker, messrs. Birney, Blackburn, Booker, Breckinridge, Cox, Cummins, Cunningham, Dallam, Davenport, Davidson, Duncan (of Lincoln) Fleming, Ford, Gaines, Garrison, Grant, Harrison, Hart, Hickman, Hunter, Jameson, Love, Marshall, Metcalfe, Mills, M'Millan, Owings, Rice, Rowan, Robertson, Shepard, T. Stevenson, Todd, Trigg, Wall, Ward, P. White, Wier and Wickliffe.—40.

Nays—Messrs. Barbour, Barrett, Bowman, Carson, Clarke, Coburn, Cooke, Cotton, Dollerhide, Duncan (of Daviess) Ewing, Gaither, Gilmore, Goode, Green, Grundy, Hawkins, Helm, Holman, Hornbeck, J. Jones, Irvine, M'Coun, M'Hatton, Parker, Rudd, South, Spillman, S. Stevenson, Stapp, True, Underwood, D. White, Woods and Yantis.—35.

*Ordered*, That mr. Fleming inform the senate thereof, and request their concurrence.

A message from the senate by mr. Welch :

*Mr. Speaker*,

The senate concur in the resolution from this house to rescind the resolution for the final adjournment of the legislature.

And then he withdrew.

And then the house adjourned.

### WEDNESDAY, FEBRUARY 5, 1817.

The house took up the amendments proposed by the senate, to a bill from this house entitled, an act for the appropriation of money ;

And being severally twice read, the 1, 4, 6, 7, 8, 9, and 11, were concurred in ; and the 3, 5, and 10, disagreed to.

The second amendment proposed by the senate, is to strike out a paragraph of said bill, which allows to John P. Thomas, of this commonwealth, the sum of one hundred and fifty dollars for counterfeit notes received by him in discharge of his official duties.

And the question being taken on concurring in said amendment of the senate, it passed in the negative.

And so the said amendment was disagreed to.

The yeas and nays being required thereon, by messrs. Reeves and Grundy, were as follows, to wit :

Yeas—Messrs. Barrett, Cox, Dollerhide, Duncan (of Lincoln), Eggleston, Gilmore, Given, Goode, Green, Grundy, Harrison, Hart, Helm, Hickman, J. Jones, Irvine, Metcalfe, M'Hatton, Owings, Reeves, Rice, Rudd, Shepard, South, Spillman, S. Stevenson, Underwood, Wall, Wickliffe, Woods and Yantis—31.

Nays—Mr. Speaker ; messrs. Barbour, Blackburn, Bowman, Breckenridge, Caldwell, Clarke, Coburn, Cotton, Cummins, Cunningham, Dallam, Davenport Davidson, Duncan (of Daviess) Fleming, Gaither, Garrison, Hawkins, Hunter, Jameson, H. Jones, Lackey, Logan, Love, Marshall, Mercer, Mills, M'Coun, M'Millan, Parker, Robertson, Rowan, T. Stevenson, Todd, Trigg, True, P. White, D. White and Wier.—41.

*Ordered*, That mr. Rowan inform the senate thereof.

A bill from the senate entitled, an act concerning commonwealth's attornies, was read a third time.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr Rowan inform the senate thereof.

Bills from the senate of the following titles :

1st. An act for the benefit of David James and John Mitchison ; 2nd, an act to repeal the law forming election precincts in Grayson and Breckenridge counties ; 3rd, an act to authorize a lottery in the town of Mountsterling, and for other purposes ; 4th, an act to incorporate the Lexington, Brewery company ; 5th, an act for preventing mill dams, hereafter from being erected on main licking, below the mouth of Fleming creek ; 6th, an act further to regulate the general court ; 7th, an act for the relief of John D. Pearce ; 8th, an act for paying certain guards in this commonwealth ; 9th, an act concerning certain powers of attorney and conveyances, and admitting them, and copies thereof to be read in evidence in this commonwealth ; 10th, an act for the benefit of the heirs of Edmund Eggleston, Junr. and Pumphrett Waller, deceased ; 11th, an act for the benefit of Hannah Gorham, and for other purposes ; 12th, an act concerning ferries in this commonwealth ; and 13th, an act for the relief of John A. Holliday :

Were severally read the first time ; and the 1, 2, 5, 7, 8, 10, 11, 12 and 13, ordered to be read a second time.

*Ordered*, That the third, fourth, sixth and ninth bills be laid on the table until the first day of March next.

And thereupon the rule of the house and the second and

third readings of said bills being dispensed with, and the second being amended,

*Resolved*, That the 1, 2, 5, 7, 8, 10, 11 and 12 bills do pass; the second as amended.

*Ordered*, That mr. Breckenridge inform the senate thereof, and request their concurrence in the amendments to the second bill.

And the question being taken on the passage of the thirteenth bill, it passed in the negative.

And so the said bill was rejected.

*Ordered*, That mr. Rowan inform the senate thereof.

A message from the senate by mr. Simrall :

*Mr. Speaker*,

The senate recede from their 2, 3, 5 and 10 amendments proposed to a bill from this house entitled, an act for the appropriation of money, with amendments to their third and tenth amendments :

In which they request the concurrence of this house.

And then he withdrew.

The said amendments were immediately taken up, twice read, the first concurred in, and second disagreed to.

*Ordered*, That mr. Rowan inform the senate thereof.

A message from the senate by mr. Simrall :

*Mr. Speaker*,

The senate insist on their amendment proposed, upon receding from their 10th amendment proposed to a bill from this house entitled, an act for the appropriation of money, with a further amendment.

In which they request the concurrence of this house.

And then he withdrew.

The house then again proceeded to consider the said amendments.

*Resolved*, That this house do recede from their disagreement to said amendments and concur therein.

*Ordered*, That mr. Mills inform the senate thereof.

The Speaker laid before the house a letter from Paul I. Booker, Esq. tendering a resignation of his seat as a member of this house ; which was read as follows, to-wit :

*House of Representatives, 9 o'clock,*

*Wednesday Morning, Feb. 5, 1817. }*

*Dear Sir,*

I hereby tender you my resignation as a member of the house of Representatives, and with it receive for your-

self and that honorable body, the assurances of high respect and esteem from

Your very humble servant,

PAUL I. BOORER.

The house took up the objections of the lieutenant governor to a bill which originated in this house entitled, an act to regulate the town of Falmouth, and for other purposes.

The question was then put, shall the bill pass the Governor's objections notwithstanding? Upon which it was decided in the negative, by the following yeas and nays:

Yeas—Messrs. Breckenridge, Clarke, Fleming, Gaither, Holman, Hunter, Metcalfe, Mills, Wall and D. White—10.

Nays—Messrs. Birney, Blackburn, Bowman, Carson, Cotton, Cox, Cummins, Cunningham, Davidson, Duncan (of Daviess) Duncan (of Lincoln) Ford, Garrison, Gilmore, Given, Goode, Green, Grundy, Harrison, Hart, Hickman, Hornbeck, Jameson, J. Jones, Marshall, M'Coun, M'Hatton, M'Millan, Parker, Robertson, Rowan, Rudd, Shepard, South, Spillman, Stapp, T. Stevenson, Todd, Trigg, Underwood, Ward, Wier, Woods and Yantis—41.

A message from the senate, by mr. Garrard:

*Mr. Speaker,*

The senate have passed a bill entitled, an act supplemental to an act entitled, an act to authorize a sale of part of the public square in the town of Harrodsburg;

In which bill they request the concurrence of this house.

And then he withdrew.

The said bill was then taken up, and the rule of the house being dispensed with, and read three several times.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That mr. Birney inform the senate thereof.

On motion of mr. Wall:

*Ordered*, That leave be given to bring in a bill to regulate the town of Falmouth, and for the benefit of the Harrison and Nicholas academies;

And that messrs. Wall, Holman, Clarke and Metcalfe, be appointed a committee to prepare and bring in the same.

Mr. Wall immediately presented a bill under the title aforesaid; which was received and read the first time, and ordered to be read a second time.

And thereupon the rule of the house and second and third readings of said bill being dispensed with, and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.



*Ordered*, That mr. Wall carry the said bill to the senate, and request their concurrence.

A message from the senate by mr. Churchill :

*Mr. Speaker*,

The senate have passed a bill from this house entitled, an act to regulate the town of Falmouth, and for the benefit of the Harrison and Nicholas academies.

And they have adopted the following resolution :

*Resolved*, By the general assembly of the commonwealth of Kentucky, that a committee of two from the senate and four from the house of representatives, be appointed to wait on his excellency the lieutenant governor, and inform him that the general assembly have finished their legislative business, and are ready to adjourn without day, and to know of him whether he has any further communications to make.

*Extract, &c.*

WILLIS A. LEE, Cl'k.

In which they request the concurrence of this house.

And then he withdrew.

The said resolution was then taken up, twice read and concurred in.

And messrs. Rowan, South, Blackburn and Hawkins, appointed a committee on the part of this house.

*Ordered*, That mr. Rowan inform the senate thereof.

Mr. Fleming from the joint committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles :

An act for the benefit of David James and John Mitchison ; an act to establish a hospital in the town of Louisville ; An act for the appropriation of money ; an act supplemental to an act entitled, an act to authorize a sale of part of the public ground in town of Harrodsburg ; an act paying certain guards in this commonwealth ; an act for preventing mill dams hereafter from being erected on main Licking below the mouth of Fleming creek ; an act concerning ferries in this commonwealth ; an act for the relief of John D. Pearce ; an act for the benefit of the heirs of Edmund Eggleston, jr. and Pumphrett Waller, deceased ; an act for the benefit of Hannah Gorham, and for other purposes ; an act to regulate the town of Falmouth, and for the benefit of the Harrison and Nicholas academies ; and a resolution to appoint a joint committee to wait on the governor relative to a recess of the general assembly.

And had found them truly enrolled.

Whereupon the speaker affixed his signature thereto.

*Ordered*, That mr. Fleming inform the senate thereof.

A message from the lieutenant governor by mr. Pope, his secretary :

*Mr. Speaker*,

The lieutenant governor did on this day, approve and sign enrolled bills which originated in this house of the following titles :

An act to regulate the town of Falmouth, and for the benefit of the Harrison and Nicholas academics.

An act for the appropriation of money.

And then he withdrew.

Mr. Rowan from the joint committee appointed to wait on the lieut. Governor and inform him of the proposed adjournment of the legislature, and whether he had any further communications to make, reported that the committee had performed the duty assigned them, and were informed by his excellency, that having given his views from time to time to the legislature during the present session, he had no further communication to make.

A message from the senate by mr. Lancaster :

*Mr. Speaker*,

I am instructed by the senate to inform this house that the senate has finished their legislative business, and are now ready to adjourn without day.

And then he withdrew.

*Ordered*, That mr. Breckenridge inform the senate that this house having finished the legislative business before them are now ready to adjourn without day.

The speaker having retired ; and mr. Blackburn seated in the chair, Mr. Todd moved the following resolution :

*Resolved*, By the house of representatives that they hereby express and tender to *John J. Crittenden*, their sincere respect for the impartial and prompt manner in which he has during the present session, presided in the chair of this house.

Which being twice read was *unanimously* adopted.

The speaker returned, and resumed the chair ; and having pronounced a congratulatory and valedictory address, adjourned the house without day.